

*Hen. English 10*  
**A NEW-YEARES**

**GIFT FOR ENGLISH  
CATHOLIKES,**

**O R**

**A Briefe and cleare *Explication* of the  
New Oath of *Allegiance*.**

**By *E. I.* Student in Divinitie;**

*For a more full Instruction, and appeasement  
of the consciences of English Catholikes, con-  
cerning the said OATH, then hath beene  
giuen them by I. E. Student in Di-  
uinitie, who compiled the Trea-  
tise of the PRELATE and  
the PRINCE.*

**I. PET. 2.**

*Feare God, Honour the King:*



**I H S.**

**MATTH. 22.**

*Render to Cæsar the things that are Cæsars: and the things  
that are Gods to God.*

---

**With licence of Superiours.**

**1620.**

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Editor of the New-Year  
Gift, 10, Abchurch Lane,  
London, E.C. 4.

38  
2 16.  
139



1845

MAY 1845

Published by the Catholic Church of England and Wales,  
at the Office of the General Synod, 10, Abchurch Lane,  
London, E.C. 4.

Price 1s. 6d.

1845

THE NEW-YEAR GIFT





# A BRIEF SUMMARIE

of what is contain-  
ed in this TREA-  
TISE.

i.



*First, An Admo-  
nition to Eng-  
lish Catholiks,  
to examin their  
cōsciences ex-  
actly concer-  
ning this New Oath of Allegi-  
ance : for that by refusing the  
same if it bee lawfull and mini-*

*A Summarie of this Treatise.*

sired by good and full authoritie, (as this Treatise convinceth it to bee) they hazard not only their temporall estates, but also their eternall saluation, by disobeying and resisting lawfull authoritie, and the ordinance of Almighty God.

2. *Secondly*, are set downe a Copie of the new Oath of Allegiance, *The 13. Priests Protestation*; *Mr. Iohn Colletons Petition* wherein hee confirmeth his former *Protestation*: and the *Acknowledgement* of *Mr. Thomas Greene*, (a Religious Priest of the order of *Saint Benedict*, and *Professour* of *Divinitie*) concerning his opinion of the said Oath of Allegiance, with certaine notes and Observations added by the *Author* to the said *Protestation*, & *Acknowledgement*.

3. *Thirdly*, Certaine generall *Observations* are set downe, to know

*A Summarie of this Treatise.*

know *first*, the nature and conditions of euery lawfull Oath. *Secondly*, what rules are to be obserued for the vnderstanding and interpreting of the true sense and meaning of any ambiguous word or sentence contained in any Law, and consequently in this *Oath* of Allegiance established by a *Parliamentall* Law. *Thirdly*, what was the intent and meaning of his *Maiestie* and the *Parliament*, in framing and proposing this new and vnwonted *Oath* of Allegiance, deuised vpon occasion of that vnwonted Barbarous and Deuillish Conspiracie of the *Powder-Traytors*; to wit, not to make a distinction, betwixt *Protestants* & *Catholikes*, but between *Catholikes* & *Catholikes*, in point of their loyaltie and ciuill obedience, especially concerning the *Popes* authority to practise the depolition of *Princes*,

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which was the ground of that  
damnable *Powder-Treason*. *Fourth-*  
*ly*, to know upon what assured  
grounds the *Pope* authoritie to  
depose Princes, or to practise their  
deposition, may not only be bare-  
ly denied, but also abiured as  
damnable, impious, and hereticall:  
to wit, for that it is a controuersie  
among learned Catholikes, whe-  
ther the *Pope* hath authoritie to  
deprive Princes on no: and conse-  
quently, that it is open iniustice in  
the *Pope*, and manifest *Treason* in  
the Subject to attempt the dispos-  
sitting of any *Soueraigne Prince*,  
by vertue of this pretended au-  
thoritie and clayme, so long as  
this Controuersie remayneth a  
foot, and is not decided by a law-  
full Iudge, and who without all  
doubt and Controuersie is known  
so to bee. *Fifthly*, page 64. it is  
shewed, that the *Pope* is no lawfull  
Iudge



## *A Summarie of this Treatise.*

Iudge to end and decide this Controuerſie concerning his own pretended authoritie to depriue Soueraigne *Princes*; for that it is a Controuerſie among Learned Catholikes, and approved by very many famous *Prelates*, *Cardinals*, and *Doctours* cited by the *Author*; that the *Pope*, without the consent and approbation of a lawfull and vndoubted generall *Councell*, hath not authoritie to decide, determine, or define any doctrinal question at all, and much lesse in his owne particular cause, as is this Controuerſie betwixt Him and *Christian Princes*: and that therefore although hee should take vpon him to decide this question, yet the Controuerſie would still remaine a foote, and bee vndecided as it was before.

4. *Fourthly*, In the *first* eight Chapters it is cleerly shewed, that  
there



*A Summarie of this Treatise.*

there is not any one Clause of the *Oath*, which wanteth either *Veritie*, *Iustice*, or *Iudgement*: and that therefore English Catholikes not only may lawfully, but also are bound in conscience to take it, when they are vrged thereunto by the *Magistrate*, whom the *Prince* and *State* hath appointed to tender the same: otherwise they resist lawfull authoritie, and the Ordinance of God, which *whosoever resist purchase to themselves damnation. Rom. 13.*

5. *Fiftly*, In the *ninth* and last Chapter are cleerly answered the *Popes* declarative *Breues*, forbidding English Catholikes to take the *Oath*, for that it containeth many things, which are manifestly repugnant to faith and salvation; which *Breues* therefore doe not make, but only suppose the *Oath* to be vnlawfull, as containing in it some manifest falshood  
or

*A Summarie of this Treatise.*

or iniustice: and therefore, abstracting from the *Popes Breues*, some particular clause of the *Oath* must be proued to be vnlawfull, which this *Treatise* doth evidently conuince to bee vntrue. And *first* in this Chapter it is shewed, that it is no disobedience or irreuerence, not to obey: such *declaratiue Breues*, seeing that they are grounded vpon one of these *two* (or rather vpon both) false suppositions: to wit, that either the doctrine for the *Popes* power to depriue *Princes* is certaine, of Faith, and out of all Controuersie, and the contrarie not approued by learned Catholikes, which *supposition* is manifestly false: or else that the *Popes* power to *excommunicate*, to bind and loose, and to absolve from Oaths in general, and consequently his Spirituall authoritie is denyed in the Oath, which also is no lesse

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lesse vntrue : and that therefore English Catholikes not only may lawfully and without any disobedience or irreuerence, but also are bound in conscience not to obey them, considering that they are so preiudiciall to themselves, so scandalous to the *Catholike Roman Religion*, which they professe, and so iniurious to their *Soueraign Prince*, who, being in reall possession of his Kingdome, cannot vpon any controuersed Title or Power without open iniustice bee dispossessed thereof. *Secondly*, it is shewed, that albeit diuers *Popes* haue since the time of *Pope Gregorie the VII.* challenged to themselves authoritie to deprive *Soueraigne Princes*, yet they cannot bee truly said, to haue bene for any little time in possession of this their pretended authoritie, right and clayme : for that they haue euer bene resisted  
and

*A Summarie of this Treatise.*

and contradicted by Christian *Princes* and *Subiects* in this their pretended right and clayme, whereas, to possesse authoritie, right, or clayme to any thing, it is necessary, according to the approued doctrine of *Molina*, and *Lesius* both Iesuites, and of all Diuines and Lawyers, that it bee without resistance and contradiction of the aduerse part: but one may truly and really possesse corporall things, as Lands, Houses, Kingdomes, although hee, that pretendeth to haue right to the same, yea and perchance hath true right thereunto, contradict and resist neuer so much. *Thirdly*, it is shewed, that howsoeuer any man may vnder pretence of following a *probable* opinion, thinke himselfe excused in conscience and in the sight of God (wherewith *Princes* in their Tribunals doe not meddle, but leaue



*A Summarie of this Treatise.*

leauē mens consciences to the iudgement of God, the only searcher of all mens hearts) by concurring with the *Pope* to the deposing and dispossessing of his *Soueraigne Prince*; yet considering that it is not only *probable*, but also most *certaine*, that hee is excused in conscience and in the sight of God, by defending his *Prince* against such damnable, and traiterous practises, which are grounded *at the most* vpon a *probable* power, title, and clayme, and also that hee cannot bee excused from formall Treason in the externall Court, both Ecclesiasticall and Secular of his *Soueraigne Prince*, who is in actuall possession of his Kingdome, & cānot without open iniustice be dispossessed vpon any vncertayne and controuersed power, clayme, or title, though it were neuer so probable; it is evident



*A Summarie of this Treatise.*

dent, that those Subjects might iustly bee accounted worse then mad, that would in such damnable and trayterous practises con-  
curre with the *Pope* to the dispos-  
sessing of their *Soueraigne Prince*,  
vnder pretence of a power, or ti-  
tle, which, euen in speculation,  
and abstracting from pr. ise, can  
be at the most but probable.

6. *Lastly*, are set downe, *First*,  
the *Oath* of *France*, or the *first*  
*Article* of the lower House of  
*Parliament*, wherein of two hun-  
dred *Deputies* for the third Estates  
were but six *Protestants*: *Secondly*,  
two *Arrests* or *Decrees* of the *Par-*  
*liament* of *Paris*, forbidding vnder  
paine of Treason Cardinall *Bellar-*  
*mines* Booke against *Barckley*, and  
*Suarez* Booke against our Kings  
*Maiesties* Premonition, and *third-*  
*ly* another *Decree* of the said *Par-*  
*liament*, ordaining likewise that  
no

*A Summarie of this Treatise.*

no person of what qualitie or condition soever doe teach the said doctrine of *deposing* Princes as *problematicall* or probable. All which *Decrees* are proved to be agreeable to truth and iustice, and that *Christian Princes*, by vertue of their temporall power, haue good and full authoritie, both to forbid the teaching, maintayning, and publishing of all vnnecessarie doctrines & positions, be they neuer so probable, as the teaching and publishing of the same tendeth to the subuersion of States and to the disturbance of the publicke peace in the Ciuill Common, wealth, and is dangerous to the Crownes and liues of temporall Princes; and also to punish with temporall punishments the teachers, maintayners, and publishers of the same.

AN



AN  
ADMONITION  
TO ENGLISH  
Catholikes.

---

1.



*Consider with  
your selues,  
(Deare Coun-  
try-men) how  
greatly this  
new Oath of  
Allegiance*

concerneth you all, not only in  
your temporall states and libertie,  
which in conscience you are  
bound to regard, and not wilfully

A

to

*An Admonition to Catholikes.*

*Mat. 16.*

to cast away, (and the more if you haue a charge of Wife and Children, for whom in nature you are obliged to prouide) but chiefly in your soules health, which aboue all temporall things in this World you are bound to preferre. For what doth it profit a man, if hee gaine the whole World, and sustaine the damage of his soule? Now if this new Oath bee truely an Oath of temporall Allegiance, and ministered by lawfull authoritie, (as this Treatise doth conuince it to bee) doubtlesse you incurr the danger of eternall damnation if you refuse it, by disobeying and resisting the iust commandement of lawfull authoritie, and the Ordinance of Almighty God, from whom all power and authoritie doth proceed. For he that resisteth power (or authoritie) resisteth the Ordinance of God; And they that resist purchase

*Rom. 13.*



*An Admonition to Catholikes.*

*chase to themselves damnation.*

2. *First* therefore, it behooveth you that are *Lay-men*, to examine diligently this matter, and not to be led hoodwinkd into the pit both of spirituall and temporall miserie, especially by blinde and ignorant guides, who neither vnderstand, nor are desirous to know the true grounds of this important Controuersie, and therefore can hardly bee drawne for the informing of your consciences to descend with you in particular to the examination of the lawfulness, or vnlawfulnessse of euery Branch of this *Oath*, which many of them, (I speak with griefe, and not without Booke) haue not so much as euer read, but to cloake their ignorance vnder colour of Zeale and Deuotion, without any further examining, they only cry out to you in generall termes, *The Church,*



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the *Pope*, the *Rocke* is that, which good *Catholikes* ought to cleave vnto; not knowing themselves, what authoritie is *Spiritual* and due to the *Pope* or *Church*, and what authoritie is *temporall* and due to *temporall Princes*, and that the *Pope* is not the *Church*, but only the chiefe member thereof; and that the *Popes* opinion, and consequently his *Declarative Breues*, when they are grounded either vpon false suppositions, or else only vpon his opinion, are not the *Rocke*, whercon *Catholikes* ought to build their eternall saluation; and lastly, not considering, that many times when *Popes* and *Princes* haue beene and shall bee in opposition, the *Popes* both haue bin, may lawfully bee, and also ought to bee resisted. As the *resistance*, which *Philip the Faire* made to *Pope Boniface the VIII.* (who  
depra-

# *An Admonition to Catholikes.*

deprived the said King, & gaue his Kingdome to *Albertus* the Emperour, and declared, that he accounted them for Heretikes, who did not beleue that the said King was subject to him in Spiritualls and Temporalls) and the resistance, which *Lewis* the XII. made to *Pope Julius* the II. (by whom he was deprived, and his Kingdome given in pray to any that could take it) is well commended by *Lewis Richeome* *Provinciall* of the *Iesuites*, and proposed for an example to be imitated; yea and he sheweth, that whensoever any *Bishop* of *Rome* should offend the *King* of *France*, as those *Kings* were offended by those *Bishops*, the *Iesuites* in such an occasion would doe that which good *Clergymen*, and good *French-men* together with the said *King Philip*, and *Lewis* did in those times,

a *Genebrard.*  
lib.4. ad annum  
1294.

b *Vignierus*  
ad annum.  
c *Genebrard.*  
lib.4. ad annum  
1503.

*Guicciardin.*  
lib.11. hist.  
*Richeome* in  
*Apoleget.* cap. 24  
25.  
See Brerely in  
the Preface of  
his Protestants  
*Apologie, &c.*  
Sec. 20. 21. &  
seq.

*An Admonition to Catholikes.*

who defended their rights against those Popes, *Boniface* and *Iulius*, without any irreuerence to the *Sea Apostolike*. And therefore, I beseech you, (*Deare Country-men*) to take heed vpon what guides you relye for the directing of your soules in these important affaires, and remember that *Admonition* of our *Sauour*, *Blinde they are, and guides of the blinde. And if the blinde be guide to the blinde, both fall into the ditch.*

*Mat. 15.*

3. *Secondly*, you that are *Priests*, and haue taken vpon you to guide others in the way to saluation, and ought to be alwayes readie to satisfie euery one that asketh you a reason of that faith which is in you, if you thinke in your consciences the *Oath* to bee lawfull, and ministred by good and full authoritie, you ought to take great heede, that your soules bee not defiled, nor your

*1. Pet. 3*

*An Admonition to Catholikes.*

your consciences stayned with  
some worldly respect, and that  
neither hope of gaine or prefer-  
ment, nor feare of want or disgrace  
keepe you backe from giuing war-  
ning to those, whom you are bound  
to guide, direct, and instruct, to be-  
ware of the danger, which they  
are like to fall into by resisting the  
Ordinance of God, if they refuse  
the *Oath*, when it is tendred them  
by *lawfull authoritie*; lest that you  
foreseeing their danger, and not  
crying out to them to take heede,  
be not only partakers of their spi-  
rituall harme, but doe also coope-  
rate to their temporall ruine, and  
so haue cause to rue your silence,  
and to cry out your selues when it  
is too late, *Vae mihi quia tacui*, *Woe* Isa. 6.  
*is mee because I haue held my peace.*  
But if perchance any of you, who  
in your consciences thinke the



*An Admonition to Catholikes.*

*Oath* to be lawfull, should for some worldly respect, (which God forbid) cry out against the takers or approouers thereof, this were not only to sin most damnably against your owne consciences, but also in some sort against the *Holy Ghost*, and to impugne that, which in your soules and consciences you thinke, and acknowledge to bee true, which how hardly it is forgiven either in this World, or the next, our Saviour himselſe doth expreſſly witneſſe.

Mat. 12.

4. *Laſtly*, thoſe *Prieſts* that in their consciences thinke the *Oath* to be *unlawfull*, and thereupon do not only giue warning to thoſe, whom they haue taken vpon them to guide and direct, to take heed, and beware of the Spirituall danger, which they thinke will ariſe by taking the ſame, but also in  
their



*An Admonition to Catholikes.*

their zeale do cry out against their  
Catholike Brethren, who either  
doe take the *Oath*, or thinke it to  
be lawfull, as *Apostates* from the  
*Catholike Faith* and Religion, and  
disobedient children to the Pope  
and *Church*, (giving the like occa-  
sion to others to cry out against  
them, as *Apostates* from their na-  
turall Allegiance, and disobedient  
& disloyall Subiects to their tem-  
porall Prince) it behoueth them  
most of all to looke to themselves,  
and, (according to the admoniti-  
on, which *Card. Bellarmine* vpon Bellar. de gemi-  
tu, columba,  
lib. 2. cap. 9.  
occasion of relating the fearefull  
death of Pope *Innocentius* the III.  
giueth to Prelates and Pastours) to  
examine all the secrets of their  
consciencs most exactly, lest per-  
chance it bee erroneous, albeit to  
them it seeme to be sound & iust:  
and that their zeale (albeit to them  
sclues

*An Admonition to Catholickes.*

selues seeme pure, and according to knowledge) bee not blind, and grounded vpon wilfull or culpable ignorance, like that, which the *Iewes* had in crucifying our *Sauour*, and Saint *Paul*, (when he was *Saul*) in persecuting his Disciples, who thought thereby to doe God great service.

5. And truly if their Zeale were hurtfull to none but to themselves, they would doubtlesse be the more excusable; but considering how preiudiciall it is both to his *Maiesties* honour, and also to his temporall *Soueraigntie*, how scandalous it is to *Catholicke* Religion, and how iniurious it is to their *Catholicke* brethren, not inferiour to themselves in vertue and learning (whom they seeke to disgrace, and to make odious to all

*Cathe-*

## *An Admonition to Catholickes.*

*Catholickes*, especially to their benefactors and friends, and so by taking from them their good names and maintenance, to bring them into extreame want and miserie, and, as much as in them lyeth, into manifest desperation (for which they are one day to render a most strict account) they haue great cause to examine their consciences narrowly, and carefully to consider, vpon what assured grounds they can excuse themselves at the dreadfull day of Iudgement, for taking such scandalous, iniurious, and vncharitable courses, both against their *Soueraigne Prince*, (whom next vnder God they are bound to honour and obey in temporals) and also against

*An Admonition to Catholickes.*

gainst their *Catholicke* brethren, who not onely are as learned and religious as themselves, but also haue examined this important controuersie, and all the danger both spirituell and temporall that dependeth thereon, as diligently, if not farre more, then they themselves haue done.

6. To the end therefore that all of you, ( my *deare Countrimen* ) may examine your consciences in this poynt of the *Oath*, more easily and easily, and be more fully instructed therein, then you haue beene by *I. E.* the *Au-  
thour* of the *Prelate* and the *Prince*, ( who, if the common rumour bee true, will heare shortly with shame enough



*An Admonition to Catholickes.*

ough what goodly *Instruct-*  
*ions* he hath giuen you) I haue  
out of *Roger Widdringtons* ex-  
presse doctrine and grounds col-  
lected this little *Treatise*,  
which for that it was finished  
this first day of the yeare, I  
am bound to present it to  
your Charities for a *New-yeares-*  
*gift*, as a small token of the  
great desire I haue both of  
your spirituall and temporall  
welfare. And my onely re-  
quest is, that you will bee plea-  
sed to read it, as I hope you will,  
it being neither so prolix, but  
that in some few houres you may  
runne it ouer, nor so obscure,  
but that any man of meane ca-  
pacitie may vnderstand it, and  
after you haue read it, to iudge  
thereof accordingly. And if I  
shall heare, that you haue rea-  
ped

*An Admonition to Catholickes.*

ped any benefit thereby, I shall  
thinke my paines exceeding well  
bestowed; but howsoever, I shall  
not thinke my labour lost by gi-  
uing you this euident token of my  
loue: for that the loue and dutie  
I owe to my *Prince* and *Countrie*,  
to the *Catholicke Religion*, and to  
you my deare *Catholick* brethren,  
and aboue all to *God Almighty*,  
the *Author* of all truth, yea truth  
it selfe, and *who will* in due time  
render to euerie man according to  
*his workes*, hath, for the defence  
of a *necessarie truth*, moued mee  
to take this paines. And so with  
my best wishes, I bid you heartily  
*farewell*, hoping that you will bee  
wise, and not be transported with  
a blind and intemperate zeale to-  
wards *Prince* or *Prelate*, but that  
you will bee carefull to *feare God*,  
to *honour the King*, and without  
all

Rom. 2.

*An Admonition to Caaholickes.*

*all partialitie, to render to God and  
Cæsar (and consequently to  
Popes and Princes)*

*that which is  
their due.*

*\* \* \**

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# A Copie of the new Oath of Allegiance, deuided into eight Branches as it is in this Treatise explay- ned.

1. **I** A. B. doe truely and sincerely acknowledge, professe, testifie and declare in my conscience before God and the World, That our Souldier Lord King James, is lawfull and rightfull King of this Realme, and of all other his Maiesties Dominions and Countries.

2. And that the Pope neither of himselfe, nor by any authoritie of the Church, or See of Rome, or by any other meanes which any other hath any Power or Authoritie to depose the King, or to dispose any of his Maiesties Kingdomes, or Dominions, or to authorize any forraigne Prince to innade or anncey Him or his Countries, or to discharge any of his Subiects of their Allegiance and Obedience to his Maiestie, or to giue license or leaue to any of them to beare Armes, rayse Tumults, or to offer any

## A Copie of the Oath.

*Violence, or hurt to his Maisties Royall Person, State, or Government, or to any of his Maisties Subiects within his Maisties Dominions.*

3. *Also, I doe sweare from my heart, that notwithstanding any Declaration, or Sentence of Excommunication, or Deprivation made or granted, or to be made or granted by the Pope or his Successours, or by any Authoritie deriued or to be deriued from him, or his See against the said King, his Heires or Successours, or any absolution of the said Subiects from their Obedience, I will beare Faith and true Allegiance to his Maiestie, his Heires and Successours, and him and them will defend to the uttermost of my power, against all Conspiracies and Attempts whatsoeuer, which shall be made against His, or their Persons, their Crown and Dignitie, by reason or colour of any such Sentence or Declaration or otherwise, and will doe my best endeuour to disclose and make knowne vnto his Maiestie, his Heires and Successours, all Treasons and Trayterous Conspiracies, which I shall know or heare of to bee against him or any of them.*

4. *And*

## A Copie of the Oath.

3

4. And I doe further sweare, That I doe from my heart abhorre, detest and abiure, as impious and hereticall, this damnable doctrine, and position, That Princess which bee excommunicated or deprived by the Pope may be deposed or murdered by their Subjects, or any other whatsoever.

5. And I doe beleewe, and in conscience am resolved, that neither the Pope, nor any person whatsoever hath power to absolue mee of this Oath, or any part thereof.

6. Which I acknowledge by good and full authoritie to bee lawfully ministred unto me, and doe renounce all Pardons and Dispensations to the contrarie.

7. And all these things I doe plainly and sincerely acknowledge and sweare, according to these expresse words by mee spoken, and according to the plaine and common sense and understanding of the same words without any Equivocation, or mentall evasion, or secret reservation whatsoever.

8. And I doe make this recognition and acknowledgement heartily, willingly and truly upon the true Faith of a Christian. So helpe me God.

B 2

A

A Copie of the *Protestation*,  
 which *thirteene* Reuerend Priests  
 made of their *Allegiance* to  
 Queene *Elizabeth*, by a publike  
 Instrument the last day of *Ianuary*  
 1602. in the last yeere of her Ma-  
*iesties* Reigne.

**W** Hereas it hath pleased our  
 Dread Soueraigne Ladie  
 to take some notice of the  
 Faith, and Loyaltie of vs  
 Her naturall borne Subiects Secular  
 Priests (as it appeareth in the late Pro-  
 clamation) and of her Princelike cle-  
 mencie hath giuen a sufficient earnest of  
 some mercifull fauour towards vs (being  
 all subiect by the Lawes of the Realme  
 to death by our returne into the Countrie  
 after our taking the Order of Priest-  
 hood since the first yeere of Her Maie-  
 sties Reigne) and only demandeth of vs  
 a true profession of our Allegiance, ther-  
 by to bee assured of our fidelitie to Her  
 Maiesties Person, Crowne, Estate and  
 Dignitie, Wee, whose names are under-  
 written, in most humble wise prostrate at  
 Her



### *The 13. Priests Protestation.*

5

*Her Maiesties ſect doe acknowledge our ſelves infinitely bound vnto Her Maieſtie therefore, and are moſt willing to giue ſuch aſſurance and ſatisfaction in this point, as any Catholike Priests can or ought to giue vnto their Soueraignes.*

*Fiſt, therefore wee acknowledge, and confeſſe the Queenes Maieſtie to haue as full Authority, Power and Soueraigntie ouer vs, and ouer all the Subiects of the Realme, as any Her Highneſſe Predeceſſours euer had: And further we proteſt, that we are moſt willing and readie to obey Her in all Caſes and Reſpects as farre forth, as euer Chriſtian Priests within this Realme, or in any other Chriſtian Countrie were bound by the Law of God and Chriſtian Religion to obey their Temporall Princes; as to pay Tribute, and all other Regall Duties vnto Her Highneſſe, and to obey Her Lawes and Magiſtrates in all Ciuill Cauſes. to pray vnto God for Her proſperous and peaceable Reigne in this life according to his bleſſed will, and that ſhee may hereafter attaine euerlaſting bliſſe in the Life to come. And this our acknowledgement*

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wee thinke to bee so grounded vpon the Word of GOD, as that no Authoritie, no Cause, or pretence of Cause can or ought (vpon any occasion) be a sufficient Warrant more vnto vs then to any Protestant to disobey Her Maiestie in any Ciuill or Temporall matter.

Secondly, whereas for these many yeeres past diuers Conspiracies against her Maiesties Person and Estate, and sundrie forcible attempts, for inuading and conquering her Dominions, haue bin made vnder w<sup>ch</sup> know not what pretences and intendments of restoring Catholike Religion by the sword (a course most strange in the World, and vnderaken peculiarly and solely against Her Maiestie, and Her Kingdomes among other Princes departed from the Religion and Obedience of the See Apostolike (no lesse then she) by reason of which violent Enterprizes, her Maiestie, otherwise of singular clemencie toward Her Subiects, hath beene greatly moued to ordayne, and execute seuerer Lawes against Catholikes (which by reason of their union with the See Apostolike in Faith and Religion, were easily supposed to fauour these

### The 13. Priests Protestation.

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these Conspiracies and Innasions) then perhaps had ever bin enacted or thought upon, if such Hostilitie and Warres had neuer beene undertaken; We, to assure Her Maiestie of our faithfull Loyaltie also in this particular cause doe sincerely protest, and by this our publike fact make knowne to all the Christian World, That in these cases of Conspiracies, of practizing Her Maiesties death, of Innasions, and of whatsoever forcible Attempts, which hereafter may be made by any forraigne Prelate, Prince or Potentate, whosoever either ioyntly or severally for the disturbance or subuersion of Her Maiesties Person, Estate, Realmes, or Dominions, under colour, shew, pretence or intendment of restoring the Catholike Romane Religion in England, or Ireland, We will defend Her Maiesties Person, Estate, Realmes and Dominions from all such forcible and violent assaults and iniuries. And moreover Wee will not only our selues detect and reueale any Conspiracies or Plots which we shall understand to bee undertaken by any Prelate, Prince, or Potentate against Her Maiesties Person or Dominions for any

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cause whatsoeuer as is before expressed, and likewise to the vttermost of our power resist them, but also will earnestly perswade, as much as in vs lyeth, all Catholikes to doe the same.

Thirdly, if vpon any Excommunication denounced or to bee denounced against Her Maiestie, or vpon any such Conspiracies, Inuasions or forcible Attempts to be made as are before expressed the Pope should also excommunicate e-  
 uery one borne within Her Maiesties Dominions that would forsake the aforesaid defence of Her Maiestie and Her Realmes, and take part with such Conspirators, or Inuaders in these and all other like Cases, wee in these and all such like Cases doe thinke our selues, and all the Lay-Catholikes borne within Her Maiesties Dominions not bound in conscience to obey this or any such like Censure, but will defend our Prince and Countrie, accounting it our duties so to doe, and that notwithstanding any Authoritie, or any Excommunication whatsoeuer either denounced or to bee denounced as is aforesaid, to yeild vnto Her Maiestie all obedience in Temporall Causes.

And

And because nothing is more certaine,  
then that whilst we endenor to assure Her  
Maiestie of our dutifull Affection and  
Allegiance by this our Christian and  
sincere Protestation, there will not want  
who will condemne and misconstrue our  
lawfull Fact, yea, and by many sinister  
suggestions and calumnies discredit our  
doings with the Christian World, but  
chiefly with the Popes Holinesse to the  
greatest preiudice and harme of our good  
names and persons that may be, unlesse  
maturely wee prevent their endenours  
herein, Wee must humbly beseech Her  
Maiestie, that in this our recognizing  
and yeilding Cæsars due vnto Her, wee  
may also by Her Gracious leane be per-  
mitted, for auoyding Obloquie and Ca-  
lumnies, make knowne by like publike  
Act, that by yeilding Her right vnto  
Her, wee depart from no bond of that  
Christian Dutie which we owe vnto our  
Supreme spirituall Pastour.

And therefore wee acknowledge and  
confesse the Bishop of Rome to be the  
Successeur of Saint Peter in that See,  
and to haue as ample and no more Au-  
thoritie or Iurisdiction ouer vs and other  
Chri-

*The 13. Priests Protestation.*

*Christians, then had that Apostle by the gift and commission of Christ our Saviour, and that Wee will obey him so farre forth as we are bound by the Lawes of God to doe, which we doubt not but will stand well with performance of our Duty to our Temporall Prince in such sort as we haue before professed. For as we are most ready to spend our blood in the defence of Her Maieitie and our Country, so we will rather lose our liues then infringe the lawfull authoritie of Christs Catholike Church.*

William Bishop.

Iohn Colleton.

Iohn Mush.

Robert Charnocke.

Iohn Bosseuile.

Anthony Hebborne.

Roger Cadwallader.

Robert Drury.

Anthony Champney.

Iohn Iackson.

Francis Barneby.

Oswald Needham.

Richard Button.

This



This *Protestation* of the *thirteene*  
*Catholike Priests* (to which a great  
 number more would haue subscribed,  
 if the Articles which these Priests  
 gaue vp to the State, had beene retur-  
 ned them backe, but some few dayes  
 before the end of the time prefixed to  
 them by the *Proclamation*, to make  
 known to the State their Allegiance)  
 was the ground and foundation from  
 whence the *Parliament* (as the Lord  
 Archbishop of Canterburie D. Ban-  
 croft told a friend of mine) framed  
 the forme of this *new Oath of Allegi-*  
*ance*, as agreeable to the doctrine,  
 which any Catholike subiect, accor-  
 ding to the grounds of true Catho-  
 like Religion, might lawfully main-  
 taine, to make thereby a true *distinction*  
*on not betweene Protestants, and Catho-*  
*likes, but betweene civilly obedient Ca-*  
*tholikes, and in all other things good Sub-*  
*iects, and such other Catholikes as in*  
*their hearts maintained the like violent*  
*bloodie maximes that the Powder-Trai-*  
*tours did.* And doubtlesse, whosoe-  
 uer will compare the *new Oath*, and  
 their *Protestation* together, and doe  
 with-

See beneath  
 in the third  
 Observation.

withall consider, that Queene *Elizabeth* was long before that time deprived of all *Regall power, authoritie, dignitie, and Iurisdiction* by the Bull of *Pius Quintus*, and also obserue vpon what assured grounds and principles those *Priests* could lawfully acknowledge her *Maiesty* to haue as full *Authority, Power and Soueraignty* over them and all the *Subiects* of this *Realme*, as any *Her Predecessours* euer had, and also could lawfully promise, that they would yeild to *Her Maiestie* all *Obedience in Temporall Causes*, notwithstanding any authority, or any *Excommunication* whatsoeuer denounced or to be denounced against *Her Maiestie*, or *Her Subiects*, as is *aforsaid*; he will cleerly perceiue, that their *Protestation* is all one in effect and substance with this new *Oath* of *Allegiance*, and that the only difference betwixt them is, that in the *Oath* the *Popes* authority to depose the King, &c. is expressly and in plaine wordes denied, and in their *Protestation* the deniall thereof is only couertly, virtually, and by a necessary consequence implied; notwithstanding

ding all the euasions, tergiversations, turnings, windings, sayings and vn-sayings, which any one of these Priests (if for some worldly respect or other motiue hee should now repent him of what he had done) could to excuse himselfe from Periurie, possibly vse or inuent.

A Copie of Master John Colletons Petition to the Lord Archbishop of Canterburies Grace, wherein hee confirmeth his former Protestation, many yeeres after the new Oath of Allegiance was established.

IF your Grace and the State saw the present affections of my heart, and were pleased to looke on my carriage past, neyther troublesome, or vn-respectiue, I hope the fauour I am to desire, albeit it may seeme extraordinary, yet the same could not altogether be deemed unworthily extended. The voluntarie and free Recognition I made in the late Queenes Reigne as it then sufficed, and is now extant in print, so doth

doth it still witnesse the readinesse of  
 my protested Allegiance in all Secular  
 and Ciuill affaires. Neither haue I bin,  
 am now, or by Gods grace euer shall  
 be otherwise affected, then in like sort  
 to acknowledge his Maiestie that now  
 gouerneth, for my lawfull Dread So-  
 ueraigne, obey in all Politicall admini-  
 stration, and defend his sacred Person,  
 Crowne, and Dominions to the viter-  
 most of my power against all enemies of  
 what place and calling focuer. The  
 commiseration I most humbly beseech  
 your Grace to take of my aged yeeres,  
 accompanied with sundrie infirmities,  
 is, to stand so good Lord unto me, as to  
 enlarge me upon sufficient securitie for  
 my appearance before your Honour,  
 at the time your Lordship shall thinke  
 fit to assigne, An euident meane of  
 lengthning my life, beside the easing of  
 the heauy charge my imprisonment im-  
 poseth. I would very gladly haue bene  
 herein my owne Sollicitour in person,  
 but that I hold the boldnesse greater in  
 respect of my disgracefull state, then I  
 durst to aduenture on without your  
 Lord.



*Lordships good liking thereunto first  
understood. 26. of March, 1610.*

*Your Graces most suppliant  
Petitioner,*

JOHN COLLETON.

*A Copie of the Declaration and  
Acknowledgement which Master  
James Houghton, alias Thomas Green,  
a Religious Priest of the Order of  
Saint Benedict, and professour of Di-  
ninitie, made vnder his owne hand  
writing to the Lord Bishop of Dur-  
ham, the first of Nouember, 1619. tou-  
ching his opinion of the Oath  
of Allegiance.*

*James Houghton, alias, Thomas Green,  
his opinion touching the Oath  
of Allegiance.*

*1 F*irst, *I do ingenucusly confesse,  
that his Maiesie had very  
iust cause, by occasion of that  
most trecherous plot of the  
Gunpowder-Treason, to propose to all  
his*

his Subiects English Catholikes an Oath of civill fidelitie and obedience due unto Kings both by the Lawes of God and Nature, and that in most effectuall and peremptory termes, for tryall of their fidelity and loyalty to His Maiestie their true Soueraigne Lord and King.

2. Secondly, it seemeth to me that the Church had done her dutie, if she had shewed her dislike of that odious practice of the Gun-powder-Treason, by some publike declaration in detestation thereof, both for his Maiesties satisfaction, and for the confirmation of his Catholike Subiects in their fidelity and allegiance unto Him.

3. Thirdly, I doe ingenuously confesse, that to me it seemeth most true, that the doctrine, which approueth murthering of Kings by their owne Subiects or any else, is both damnable and hereticall, yea, though it be in casu Apostasia a fide aut Infidelitatis, in case of Apostasie from faith, or of Infidelitie.

4. Fourthly, I do ingenuously grant, that it seemeth to mee in my prinate iudge-

indgement, that there is nothing in the Oath, but that it may, according to Roger Widdrington his Glosse and Exposition, be lawfully taken of English Catholikes His Maesties Subiects, though some both Learned and Religious hold the contrarie.

Yet I finde three scruples concerning the Oath, which cause mee to entreate some further time of consideration and conference for my better satisfaction.

The first is, concerning the Romane Councell vnder Gregorie the seventh, and the Councell of Lateran, sub Innocentio tertio, whether they haue defined any thing in this point.

The Second is, whether it bee fit for mee to oppose my primate indgement to two Breues of the Pope, that say in the Oath there bee many things contrarie to faith and saluation, though they expresse not any thing in particular.

The Third is, whether by taking the Oath I shall not giue scandall to many learned Priests and Catholikes, who refuse it, and for refusall hazard their lines and Estates.

In regard whereof I humbly pray  
C fur-

## M<sup>r</sup>. Greenes Scruples

*further respite, for better consideration and conference: And in the meane time I promise and vow to be a true & faithfull Subiect to His Maiestie & His Successours during my life, and so am fully resolved to continue, notwithstanding any Sentence from the Pope whatsoever of Excommunication, Deposition, or Absolution of his Maiesties Subiects from their naturall obedience to Him, and his Heires, &c. for whom I most affectionately pray God of his infinite mercie, specially to direct and assist in all their actions and proceedings.*

Thomas GREENE.

Widdringt. in  
 Discuss. Discuss.  
 part. 3. sec. 2.  
 & in detecti-  
 one. calum.  
 D. Schulck. §. 7  
 nu. 16. & seq.  
 Bell. lib. 2. de  
 Rom. Pont. c. 12.

But as touching the three scruples mentioned in the *fourth Article*, it is to bee obserued, that all of them are particularly and verie cleerely answered by Roger Widdrington.

And first to the *Councell of Rome* vnder Pope *Gregorie the Seuenth*, hee sheweth, that in the Canon, *Nos Sanctorum*, nothing is defined, if wee regard the rules, which *Cardinall Belarmine* alleageth to make a true definition,



nition, neither is there any mention  
 made in that decree of any consent  
 of the Bishops, who were present;  
 and that albeit any thing mentioned  
 in that decree had beene expressly de-  
 fined, yet considering that it is a pro-  
 bable doctrine, that the *Popes* defi-  
 nitions in a Prouinciall Councell, as  
 was that *Romane Councell*, are vncer-  
 taine and fallible, they cannot make  
 the doctrine, which they define, to  
 be certaine, and the contrarie to bee  
 improbable.

*Secondly*, hee sheweth, that neither  
 from the words of that *Canon* it can  
 bee gathered, that the *Pope* hath au-  
 thoritie to depriue *Soueraigne Prin-*  
*ces*, but only *inferiour Lords* and *Ma-*  
*gistrates* by the consent and authori-  
 tie of those *absolute Princes*, to whom  
 they are subiect in temporalls: and  
 that therefore that *Canon Nos San-*  
*ctorum* is to bee vnderstood only of  
 those, who are subiect to the *Pope* in  
 temporalls, and hath force to binde  
 only in his owne Territories, or it was  
 confirmed by the consent and autho-  
 ritie of other *absolute Princes*, as ma-

*In con. Ad abo-  
lendam.*

*Widdringt. in  
Disput. Theol.  
cap. 3. ses. 1.*

*Onuphrius  
lib. 4. de varia  
creat. Rō. Pont.*

ny learned Canonists mentioned by Pope *Innocentius*, *Hostiensis*, and *Ioannes Andreas* expound the Canon, *Ad abolendam de hereticis*. And as concerning the *Dictatus Papæ*, which *Lessius* vrgeth and attributeth to a *Roman Councell*, wherein it is expressly said, *That the Pope hath power to depose the Emperour: That he hath power to absolute subjects from their Allegiance*, *Widdrington* sheweth that they neither belong to any *Romane Councell*, nor containe any definition, but only a declaration of the said Pope *Gregories* opinion, who thought hee had such authoritie, and that hee might lawfully practise it, wherein neuerthelesse, as being a thing neuer heard of before that Age, saith *Onuphrius*, hee was greatly, and might lawfully be contradicted by true and vertuous *Catholikes*, as also at this present many other opinions of *Popes* concerning their *Dispensations* and *Absolutions* in other things are contradicted by vertuous and learned *Catholike Diuines*.

To the *Councell of Lateran*, *Widdring-*

drington hath answered at large, both in a peculiar *Treatise* of the Decree of this Councell against *Lessius*, and also in his Confutation of *Fitz-herberts* Reply, wherein hee sheweth, that, according to the doctrine and exposition of famous and learned *Canonists* and *Divines*, the Decree of this Councell neither was, nor could be vnderstood of *Emperours*, *Kings*, and *absolute Princes*, who in temporall matters, wherein they are supreme and subiect to none but God, are not comprehended vnder any generall names, if the matter be penall and odious, and much lesse vnder the generall name of a *Temporall* or *Principall Magistrate* or *Lord*, (as neither an *Abbot* is in penall and odious matters comprehended vnder the generall name of a *Monke*, nor a *Bishop* vnder the generall name of a *Priest*) but that it is only to be vnderstood of *Dukes*, *Earles*, *Maiors*, *Bailiffes*, and such other inferiour temporall *Lords* and *Magistrates* (as likewise by the names of a *Temporall* and *principall Lord* or *Magistrate*, they are com-

prehended in the *Emperours* Decree, who vseth the verie same generall words;) and that therefore this *Decree* of the *Lateran Councell* had force to bind only in the *Popes* temporall Dominions, or it was confirmed by the authoritie and consent of *Soueraigne Princes*, to whom such inferior *Lords* and *Magistrates* were subiect.

cap. 10. sec. 2.  
part. 3. cap. ult.

To the *second* Scruple concerning the *Popes* Breues, *Widdrington* hath fully answered in his *Theologicall Disputation*, and more at large in his *Answer* to *Fitz-herbert*: and partly in the last Chapter of this *Treatise*, wherein hee sheweth, that it is no disobedience or irreuerence not to obey these *declarative Breues*, being grounded vpon false suppositions, as he conuinceth them to be, and that it is not only fitting, but necessarie for euerie good and vertuous Catholike, not to obey any such Breues, especially when they command a thing which is in preiudice of a third person, as is the forbidding of this *Oath*, which is so preiudiciall not onely to  
His



His *Maiestie* and his subiects, but also to the temporall *Soueraigntie* of all other absolute *Princes*.

To the *third* Scruple concerning the scandall, *Widdrington* hath fully <sup>nu 21.</sup> answered, partly in the *Preface* of his <sup>cap. 10. sec. 3.</sup> *Apologeticall Answer*, and more fully in his *Theologicall Disputation* wherein hee hath shewed, that if the *Oath* be lawfull, and doth not containe any falshood or iniustice, but is an *Oath* of true temporall Allegiance, and ministred by good and full authoritie, as this *Treatise* doth make manifest, it is no giuing of scandall to take the *Oath*, but that those *Priests* and *Catholikes* doe gine great scandall by refusing it, and giue iust occasion to all *Protestant Princes* and *subiects* to thinke, that true temporall Allegiance due to a temporall *Prince* cannot, according to the grounds of the *Catholike Roman Religion*, stand with true spirituall obedience due to the *Pope* and other spirituall Pastours, whereby they mightily wrong all temporall *Princes*, they greatly scandalize the *Catholike Roman Religion*, & as much

## *The First Observation.*

as much as in them lyeth, they seeke to auert all *Protestant Princes* and *subiects* from shewing any fauour to the professors of the same.

*A Plaine and necessarie Preamble, wherein certaine important Observations are set downe, for the better vnderstanding of this new Oath of Allegiance.*

**B**Efore I come to explaine the particular branches of this new *Oath* established by *Act of Parliament*, I thinke it not amisse to set downe by way of a *Preamble* or *Preface* certaine general Observations, which may giue no little light to the better vnderstanding of the same.

The First Observation.

Jerem. 4.

I. *First*, therefore to know the nature and conditions of an *Oath*, it is to be obserued, that euerie lawfull *Oath* must be *discreet*, *iust*, and *true*; according to that of the Prophet *Jeremie*, *And thou shalt sweare in Truth, and in Iustice, and in Iudgement.*

*Iudgement* is required chiefly in regard

regard of the swearer, that hee take not the Name of God in vaine, rashly, irreuerently, without iust and vrgent occasion, and not duly examining the truth of what he sweareth; for the matter or thing which is sworne, may oftentimes bee true and iust, and yet the Name of God may bee taken in vaine, and without iust cause or necessitie to confirme the same.

*Iustice* is required chiefly in a *Promissorie Oath*, to wit, wherein something is promised for the future time to be done or omitted: and therefore as it is vnlawfull to promise any thing which is vniust, so is it more vnlawfull to confirme that vniust promise by Oath. Yet *Iustice* may also sometimes bee wanting in an *Affertorie Oath*, as when one reuealeth a secret, which in Iustice hee is bound to conceale, and confirmeth the same by Oath, for then he sweareth truly, but vniustly.

*Veritie* or *Truth* is necessarie in all Oaths, for also in a *promissorie Oath* two kinds of *veritie* are required; the

*The First Observation.*

one is for the present time ( wherein it resembleth the nature of an *Affertorie Oath*) for hee that promiseth to doe, or not to doe any thing, must haue his words agreeable to his minde, and therefore must for the present haue a minde or intent to performe what hee promiseth; otherwise hee sweareth vntruly; the *second* veritie is for the future time; for he that promiseth any thing, calling God for witnessse of his promise, and through his owne default doth not performe his promise at the time appointed, is forsworne, and his *promissorie Oath* wanteth veritie: But *truth* and veritie is chiefly required in *Affertorie Oaths*, to wit, wherein some thing is affirmed to be true or false. And therefore as it is vnlawfull for one to affirme that to be true, which hee knoweth to bee false, and contrariwise, for this were expressely and formally to lye, or to affirme that to be true or false, whereof he is vncertaine or doubtfull, for this were to expose himselfe to danger of speaking an vntruth, so also it is much more vnlawfull to confirme the same by Oath.



2. Whereupon *Periurie* is defined by the Schoole-Diuines to be a *lye* confirmed by Oath. And therefore as a *lye* is deuided into a *formall* *lye*, to wit, when one affirmeth any thing to be true or false, and thinketh otherwise in his mind (for to *lye*, saith Saint Augustine, is to speake against that which hee thinketh in his minde,) and into a *materiall* *lye*, to wit, when one speaketh as hee thinketh, and yet in very deed it is otherwise; So *Periurie* is deuied into *materiall* and *formall* *Periurie*, for that *Periurie* is a *lye confirmed by Oath*, and only addeth to a *lye* the calling of God to witnesse of what hee speaketh. And therefore whatsoever may bee affirmed without danger of *lying*, may be sworne without danger of *Periurie*: and as the falshood which maketh a *formall* *lye*, is not to bee taken from the thing as it is in it selfe or *ex parte rei*, but as it is conceiued by the speaker, for that to *lye* is to speake against the minde, so the falshood, which maketh *formall* *Periurie*, is not to be taken from the thing which is sworn,

August. lib de  
Mendacio.

as it is in it selfe, or *ex parte rei*, but as it is against the mind and knowledge of the swearer.

Valentia 10m.3  
disp.6.q.7.p.3.  
Sayrus lib.5.  
Thesauri cap.4.  
no.7.

3. For the veritie, which is required in an Oath, consisteth in this, saith Gregorius de Valentia & Sayrus, that the thing bee true, at least wise according to the reasonable iudgement of the swearer. And therefore it is to be observed, that to iudge whether an Oath be true or false, we must not so much regard the thing sworne, as the mind and knowledge of him that sweareth. So that whosoever affirmeth a thing by Oath, saith Silvester and Petrus Aragonsa, in that manner as hee knoweth it to be true, is not formally forsworne: as if he sweare his opinion, acknowledgement, or perswasion, he must be morally certaine, that he is so perswaded, if he sweare it absolutely to bee so, he must bee morally certaine it is so, otherwise he exposeth himselfe to danger of being forsworne, and although in very deed it fall out otherwise, then he is morally certain, yet he is excused in the Court of Conscience from the sinne of Periurie, and hee is not formally, but only materially forsworne.

Siluest. verbo  
Periurium q.1.  
Aragonsa, 2.2.  
q.89.art.3.

4. Secondly, to know in what sense The Second  
the words of every Law, and conse- Observation.  
quently of this Oath, which is esta-  
blished by a Parliamentall Law,  
ought to be taken, it is to bee obser-  
ued out of the doctrine of Franciscus Suarez lib.6. de  
Suarez a famous Iesuite, that the Legibus cap.1.  
“words of every Law are commonly to  
“be understood according to their pro-  
“per and usuall signification, and that  
“if any wordes haue many proper and  
“usual significations, that sense is to be  
“taken, wherein the Law-maker doth  
“understand them, because upon the  
“will and intention of the Law-maker  
“(which is the soule of the Law) the  
“substance and force of the Law,  
“doth chiefly depend. Whercupon if by  
“any meanes the will of the Law-ma-  
“ker can bee knowne, according to it  
“especially wee must interpret the  
“words of the Law, because that is the  
“true interpretation of the Law, by  
“which we follow the meaning and will  
“of the Law-maker. But if by the de-  
“claration of the Law-maker wee can-  
“not gather the meaning of any equi-  
“uocall and ambiguous word or sen-  
“tence

## The Second Observation.

" tence containd in the Law, then we  
 " must use those rules, which in all am-  
 " biguous and doubtfull speeches are  
 " prudently to be obserued: to wit, that  
 " the matter or contents of the Law,  
 " with the antecedents, & consequents,  
 " and other circumstances be diligently  
 " considered, for by them the meaning  
 " of the words, and the will of the Law-  
 " maker will easily be gathered. And  
 " especially we must consider the begin-  
 " ning, Preface or Preamble, of the  
 " Law, and with it to ioine the rest that  
 " followeth: for to the beginning, if  
 " there be no other let, all that followeth  
 " is to be applyed; because in the begin-  
 " ning, or Preface of euery Law is u-  
 " sually containd the fixall end, cause,  
 " and reason, which chiefly moueth the  
 " Law-maker, and which is morally a  
 " sure meanes to finde out his will and  
 " meaning, and by which the ambigu-  
 " tie of any word or sentence is chiefly  
 " to be determined. And finally we must  
 " alwaies, if there be no other let, inter-  
 " prete the words of the Law, when they  
 " are doubtfull, in the more milde and  
 " fauourable sense, especially if the  
 " mat-



"matter be odious, and penall, according to those approued rules of the

"Law, *Benignius leges &c.* Laws are to be interpreted in the more favourable sense, &c. And it is meete that odious things be restrayned, and fa-

*Leg. Benignius ff de legibus. De regulis Iuris in Sexto.*

"uours bee enlarged. Yea, and if the words of the Law being taken in their proper signification should argue any iniustice, or like absurditie to bee in the minde of the Law-maker, they must bee drawne to a sense although improper, wherein the Law may bee iust and reasonable, because this is presumed to bee the will of the Law-maker, as it hath beene declared by many Lawes in ff. tit. de Legibus.

"Namin ambigua voce, &c. For in a doubtfull word of the Law, saith the Law, that sense is rather to bee

*Leg. in ambigua ff. de legibus.*

"chosen, which is voide of all default, especially seeing that the will also of the Law-maker may hereby be gathered: because it ought not to be presumed, that the Law-maker did intend to command any absurd or inconuenient thing. Thus Suarez.

What blame then doe they deserue, who

### *The Third Observation.*

who seeke to wrest the wordes of this Oath, to a sense which they account to bee most false and absurd, with so great prejudice to the soules and temporall States of English Catholikes, and with no lesse irreuerence to his *Maiestie* and the State, whom next vnder God they are bound to honor and obey in all temporall affaires, whereas they may expound the words, according to their proper and vsuall signification, in a true, conuenient, and fauorable sense, as the Reader may see beneath?

5. *Thirdly*, to know the end and reason of this *Oath* and of the makers thereof, it is to bee *observed*, that the *Parliamēt* in the very beginning of this Act, (to which according to *Suarez*, we must, if there be no other let, apply all that followeth) did expressly set downe the cause, end, and reason, for which this *new Oath* was deuised, to wit, *to make a better tryall how His Maiesties subiects stand affected in point of their loyalty, and due obedience.* For His *Maiestie* and the State perceiuing, that the *Powder-Traytors*.  
(who

### *The Third Obseruation.*

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who were all of them *Romane Catholikes*, did ground, as it doth appeare by their confessions, their barbarous and deuillish plot chiefly vpon the *Popes* power to take away the Crownes and liues from temporall *Princes* in order to spirituall good, and knowing with all, that many other *Roman Catholikes* did from their hearts detest, and abhorre such trayterous and diabolicall practises, and the wicked grounds thereof, thought it needfull, for the better discovering and repressing of such bloudie Assassimates, and their disciples, to deuise such an *Oath*, wherein true temporall *Allegiance* due to all temporall *Princes* of what Religion soeuer, should bee demanded, and no true spirituall obedience due to the *Pope*, or other spirituall *Pastours* should be denyed, and yet the wicked principles of that most damnable Conspiracie should bee detected and abiured. And the substance of this new *Oath* they did take from the *Protestation* of those thirteene Catholike Priests (as the Lord Archbishop of Canterburie, Doctor

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*The Third Observation.*

*Bancroft* told a deare friend of mine) only vsing another forme of words, and expressing some things concerning the *Popes* pretended authoritie, which in their *Protestation* are not expressed, but only supposed, implied and virtually containned, for in effect and substance they little differ, as partly you haue seen aboue, and more fully shall perceiue when you haue scene all the branches of the *Oath* explained.

In his *Premotion* pag. 9. & in his *Apologie* for the *Oath*. pag. 2. & pag. 9.

6. And not only the *Parliament* hath set downe the end and reason of this *new Oath*, but also His *Maiestie* Himselfe hath often by publike Writings in expresse words declared, that He intended to exact in this *Oath* nothing else of His Subiects, then a profession of that temporall *Allegiance* and ciuill *Obedience*, which all subiects (what Religion soeuer they professe) by the *Law* of *God* and *Nature* do owe to their lawfull *Prince* with a promise to resist and disclose all contrarie vniuill violence; and to make a true distinction not betwixt *Catholikes* and *Protestants*, but betwixt ciuilly obedient  
Ca-



Catholikes, and such Catholikes as are the Disciples of the Powder-Treason. Whereupon hee caused the lower house of Parliament, who at first would haue had the Oath to contayne the denyall of the Popes power to excommunicate him, to reforme that clause. So carefull was He, that nothing should be contayned in this Oath except the profession of naturall Allegiance, and ciuill and temporall obedience. He said in this Oath; for as the Oath of Supremacie, saith His Maiestie, was denied for putting a difference betweene Papists, and them of our professions so was this Oath ordayned for making a difference betweene the ciuilly obedient Papists, and the peruerse disciples of the Powder-Treason. And againe, This Oath, saith His Maiestie, was ordayned only for making a true distinction betweene Papists of quiet disposition, and in all other things good subiects, and such other Papists as in their hearts maintayned the like violent bloudie maximes that the Powder-Traytours did. The same also but in more ample wordes affirmeth His Maiestie

*The Third Observation.*

in His *Apologie* for the *Oath*.

7. Wherefore we must distinguish betwixt the vnderstanding, beliefe, or perswasion of His *Maiestie*, and His will, intent, or meaning as Hee is a *Law-maker*. For albeit His *Maiestie* should belecue and be fully perswaded, that the *Pope* is not the Supreme Head of the whole Church, and consequently that he hath not by the institution of Christ any power to *ex-communicate* him, yet his will and meaning is not, that His subiects shal in *this Oath* professe the same, or renounce any spirituall obedience due to the *Pope*, which euery *Catholike*, according to the grounds of true *Catholike Religion*, is bound to acknowledge, but only, that they make a profession of that temporall Allegiance, and ciuill obedience, which all subiects, of what Religion soeuer, do owe to their lawfull Prince. From whence it cleerly followeth, that albeit there were in *this Oath* some ambiguous or doubtfull sentence (as there is not) which might be applied as well to the denying of that spirituall

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### *The Fourth Observation.*

37

all obedience, which, according to the grounds of Catholike Religion, is due to the *Pope* and other spirituall Pastours, as to the professing of that temporall Allegiance, which is due to temporall Princes, we ought to interpret the words in that sense, wherein, according to the will, minde, and end of the Law, and declaration of the Law-maker, only temporall Allegiance is demanded, for that *by the end and reason of the Law the ambiguity of the words*, saith Suarez, is chiefly to be determined, and it is morally a sure meanes to finde out the will and intention of the Law-maker, especially that reason which is expressed in the Law, for then the reason of the Law is in some sort a part thereof, because it is contayned and supposed therein. Suarez lib. 6. de Legibus cap. 1. nu. 19.

8. Fourthly, it is to bee observed, that albeit English Catholikes might at the first, before they examined particularly the end, reason, matter, and contents of this new Oath, iustly suspect it to be vnlawfull, and to containe in it more then temporall Alle-

## The Fourth Obseruation.

giance; and that His *Maiestie* and the *Parliament* vnder pretence of demanding that *temporall Allegiance*, which by the *Law* of *God* and *Nature* is due to all *temporall Princes*, did intend to haue couertly at leastwise abiured some *spirituall obedience*, which by the institution of *Christ* is due to *spirituall Pastours*, both for that it is a new, vncouth, and vnwonted *Oath* of *Allegiance*, and expressly denyeth the *Popes* authoritie, to depose wherewith other *Christian Princes*, in the ordinarie *Oaths* of *Allegiance*, which they demand of their subjects, doe not in plaine and expresse termes intermeddle; and also for that it was deuised by those, who are opposite to the Cathelike *Romane Religion*; yet this bare suspicion can bee no sufficient cause, ground, or motiue to condemne it (as likewise no man vpon a bare suspicion is to be condemned) but only to haue it examined, and if after due examination it be found faulty, to reiect it, if otherwise to approue it. But doublesse whosoeuer will sincerely, and with a pure



pure desire to find out the truth, and  
to yeeld without all partialitie as wel  
to *Kings* as to *Popes* that which is  
their due, examine the occasion, end,  
matter, and contents of this *new* and  
*unwonted Oath*, will quickly finde,  
that it is condemned by some, vpon a  
bare and naked suspicion and with-  
out due examination; by others, vpon  
a blind and inconsiderate zeale to the  
*See Apostolike*, not regarding in like  
manner the dutie which by the *Law*  
of *God* they owe to their *temporall*  
*Prince*; and by all that thinke it vn-  
lawfull, without sufficient ground.

9. For the occasion of this *unwon-  
ted Oath*, was that *unwonted* barba-  
rous *Powder-plot* of certaine Catho-  
likes, who pretended to iustifie their  
neuer heard of *Barbarisme* vnder the  
colour of Religion, and the *Popes* au-  
thoritie to dispose of the Crownes  
and liues of *temporall Princes* in order  
to spirituall good; and so no maruell,  
that to preuent the like *unwonted*  
crueltie was deuised this *unwonted*  
remedie. And albeit the inuenters of  
this *Oath* are opposite to the Catho-  
like

## *The Fourth Observation.*

like Romane Religion and are fully perswaded, that the *Pope* by the Law of God, hath no authoritie ouer this Kingdome, so much as in spiritualls, yet there meaning was not, as you haue scene aboue, to meddle in this *Oath* with that spirituall authoritie, which is granted him by all Catholikes, but only to demand a profession of that temporall Allegiance, which all the Subiects of this Land, of what Religion soeuer they be, doe owe to their *temporall* Prince, and not to the *Pope*.

10. And therefore, which is carefully to bee *observed*, this *Oath* doth not meddle *positiuely* with the *Popes* authoritie, for that it doth not belong to *temporall Princes* to declare what authoritie the *Pope* hath, but it medleth *positiuely* with the *Kings* temporall *Soueraigntie*, and *negatiuely* with the *Popes* authoritie; and it doth not declare what authoritie the *Pope* hath, but only what authoritie hee hath not. And what man, I pray you, can bee so blinde as not to see, that whosoeuer *expresly* affirmeth King  
James

*James* to bee his true and rightfull King and Soueraigne in temporalls, and to haue ouer him and his other Subiects all *Kingly Power, Authority, and Iurisdiction*, doth consequently and uertually deny the same of the *Pope*? Wherefore if wee well examine the matter and contents of this *unwonted Oath*, wee shall find, that His *Maiestie* and the *State* doe herein deny no other authoritie of the *Pope* expressly and by name, then which not only in the *Protestation* of those *thirteene* Catholike Priests, but also in all other vsuall Oaths of *Allegiance*, which absolute Princes are wont to demand of their Subiects, is virtually, couertly, and in effect implied. For whosoever sincerely and from his heart acknowlegeth, any Prince to be his only rightfull King and Soueraigne in temporalls (which all absolute Princes in their vsuall Oaths of Allegiance demand of their Subiects) hee must uertually acknowledge, that the *Pope* is not his Soueraigne Lord in temporals, and consequently, that he hath no authoritie ouer his Prince or him

## The Fifth Observation.

him in temporals, and therefore neither to depose his Prince, or to dispose of His temporall Dominions, for that these are tēporal things for what end, cause, crime, or pretext soever, either spirituall or temporall, they be done.

*Lessius in his  
Singleton, part.  
2. lib. 38.*

II. *Fifthly*, to know vpon what assured grounds the *Popes* authoritie to *depose Princes*, or to attempt and practise their deposition, is by Catholikes denyed *in this Oath*, it is to be obserued, that as *Leonardus Lessius*, a famous Iesuite, noteth very well, a power which is not altogether certaine but probable, cannot be a sufficient ground or title, whereby immediately any man may bee punished or depriued of that right, dominion, or any other thing which he actually possesseth, but such a power or title must bee most certaine, and without all doubt or controuersie. Wherefore neither can the *Pope*, nor any other *Prince* without manifest iniustice inuade the Kingdome of another *Prince*, make warre against him, or seeke to depose or dispossesse him vpon a probable, vncertaine, or controuersed title. For  
certes,



certes, saith the *Authour* of the *Prelate* and the *Prince*, (and who is knowne to bee a famous *Doctor* and *Professor* of *Diuinity* though masked *Cap. 11. pag. 235.* vnder the name of *I. E.*) as it is iniustice to put one out of his land or house, who hath probable right and withall possession, because potius est conditio possidentis, better is the condition of him that is in possession, So were it open iniustice in the *Pope* to deprive a *King* of his *Crowne* and *Kingdome*, who hath probable right and withall possession. And this also is the receiued doctrine of all *Diuines* and *Lawyers*, and grounded in the light of naturall reason, and declared by the approued rules of the *Law*, that no man can bee iustly inuaded, or be put out of his possession vpon an vncertaine or controuersed title, because *In causa dubia, siue incerta potior est conditio possidentis*, In a doubtfull or disputable cause the condition of the possessor is to bee preferred, and *Cum sunt in partium obscura fauendum est reo potius quam Actori*. When the rights or titles of the parties that are

*Victoria in Relect. de iure belli. nu. 29. & seq.*  
*Valquez 1. 2. disp. 64. cap. 2.*  
*Gregorius de Valentia 2. 2. disp. 2. q. 16. p. 2.*  
 and *Pope Adrian* with many others cited by *Valentia*.

## The Sixt Observation.

*in suite are obscure, or not cleere, the Defendant is rather to be fauoured then the Plaintiffe.* And this is the *first* assured ground and principle, for which the doctrine of deposing *Princes* by the Popes *authoritie* may not only be barely and simply denyed, as it is in the *second* claule of the *Oath* by force only of the words, but also bee abhorred, detested and abiured as *impious, damnable*, most cleerly repugnant to the Word of God, and in that sense *hereticall*, as it is in the *fourth* clause. The *second* manifest principle is, that it is a controuersie among learned Catholikes, and approued by many, and therefore *truely probable*, that the *Pope* hath no authority to depriue *Princes* of their Regall Power and Authoritie.

Azor. tom. 2.  
lib. 11. c. 5. q. 3.

12. For the better cleering whereof, it is to be obserued *sixtly*, that, as *Ioannes Azorius* a famous Iesuite expressly affirmeth, *it hath euer beene a great controuersie betwixt Emperours and Kings on the one side, and the Bishops of Rome on the other, whether in some certaine cases the Pope hath a right*

right and power to deprive Kings of their Kingdome. For some Kings haue oftentimes (yea since the time of the great Lateran Councell) contended with Popes about this matter, saying, that they haue their Kingdome from God, and not from the Pope, and that in those things, which are ciuill and temporall the power of Kings is supreme and absolute, and that herein Kings are not subiect to the Pope, although in sacred, Ecclesiasticall and spirituall things the Pontificall power is supreme, and that herein Kings and Princes are subiect to Popes, as children to their Fathers, and sheepe to their Pastours, &c. And many complayned that Gregorie the seventh did excommunicate Henry the fourth, and deprive him of the administration of his Kingdom. Thus Azor. And it is a controuersie among the Schoolemen, (saith Ioannes Trithe-

Trithemius in  
Chron. His. aug.  
ad annum 1106.  
Almain. de do-  
minio natur. cin.  
& Eccles. in pro-  
bat. 2. conclus.

Azor. tom. 1.  
Classi- lib. 2. cap. 14.

Gerson de po-  
test. Eccles. con-  
siderat. 4.  
Pithæus in Cod.  
libert. Eccles.  
Gallicane prin-  
ted at Paris by  
authoritie of  
the Parlia-  
ment, in the  
yeere 1594.  
Possevinus in  
verbo Petrus  
Pithæus.

Classicall Doctōrs) cannot by the insti-  
tution of God inflict any ciuill punish-  
ment, as are death, exile, priuation of  
goods, much lesse of Kingdomes, &c.  
Nay nor so much as imprison, vt ple-  
risq; Doctōribus placet, as is the opi-  
nion of most, or of very many Doctōrs,  
but it is extended only to a spirituall pu-  
nishment, as is Excommunication, and  
the other punishments, which she useth,  
doe proceed from the pure positive Law,  
or as Gerson speaketh, from the grant  
of Princes. And the libertie of the  
Church of France, saith Petrus Pi-  
thæus (whom Antonius Possevinus the  
Iesuite commendeth for a man truely  
learned and a diligent searcher of An-  
tiquitie) is grounded in this principle,  
which France hath euer held for cer-  
taine, that the Pope hath not power to  
deprive the French King of his King-  
dome, or in any other manner to dispose  
thereof; And that notwithstanding any  
whatsoever Monitions or Monitories,  
Excommunications, or Interdicts, which  
by the Pope can bee made, yet the sub-  
jects are bound to yeeld obedience due to  
the King for temporals; neither therein

can



can they be dispenced or absolved by the Pope; Which position is in very deed the whole substance both of our *new Oath*, and also of the *late Oath* of France, which the lower house of *Parliament* would haue had established for a *fundamentall law*.

13. And to omit now many other learned Catholikes cited by *Widdrington*, that it is a controuersie among Catholikes, and approued by many, and therefore truly probable, that the Pope hath no authoritie to depose Princes, it is so manifest, that no learned man, vnlesse hee will bee shamefully impudent, can denie it, and the publike Writings of learned Catholikes on both sides, the proceedings of the *Parliament* of *Paris* against the Bookes of *Cardinal Bellarmine*, of *Schulkenius*, and of *Snarez*, the propounding of the aforesaid *Oath* by the lower house of *Parliament*, wherein of two hundred Knights and Burgeses there were but six Protestants, besides the complaint of some Doctors of *Paris* to the College of *Sorbon* against the *Controuersia Anglicana* of *Beccanus*, and in-

*Widdrington* in his Answer to *Fitzherb. part. 1*

See beneath in the end of this Treatise, the Oath of Fiance the condemnation of *Snarez* and *Bell.* Booke, and a decree of the *Parliament* of *Paris* touching the doctrine of the Popes power to depose.

finite

*Card. Peron. in  
his speech to  
the lower  
house of Par-  
liament.*

finite other testimonies of learned men of our owne Nation, not only of those who haue taken the Oath, or thinke it to be lawfull, but also of many others, doe most cleerly conuince the same. In so much that *Cardinall Peron*, compelled by so manifest a truth, doth plainly confesse the same; and thereupon acknowledgeth, that the *Pope* himselfe doth in *France* tolerate those Catholikes, that hold against him in this point, *tolerate*, I say, not as publike Vsurers, Harlots, or other notorious sinners, are in some Countries permitted, but by admitting them to Sacraments, which neither the *Pope*, nor the *Prelates* of *France* could lawfully doe, if for holding that doctrine those *Frenchmen* were to bee condemned of Heresie, Errour, Temeritie, or any other damnable sinne. So that it is most cleere & manifest to any man of iudgment, that it is a great controuersie among learned Catholikes, and that it is approved by many of them, and therefore truly probable, that the *Pope* hath no authoritie to *depose* or *deprive*

So-

Soueraigne Princes. See also the *Author* of the *Potestants* Apologie for the *Roman* Church in his *Preface* from Sect. 19. to the end, where you may see his dislike of this doctrine for the *Popes* authoritie to depose Princes, and taxeth them, who *ouercharge the supreme Pastour with incompetent attributes of Authoritie in temporals*: and in his owne authenticall Manuscript he more particularly and expressly shewed, that the *Pope* hath no Authority in temporals; *either directly, or indirectly*, which last words it pleased those who had commission to print his Booke to leaue out, whereof he greatly complained to a friend of mine. And likewise for the dislike, which this learned *Author* shewed in his *Preface*, of this authoritie of the *Pope* to dispose of temporals, it pleased the *Author*, who translated his Booke into Latine, to leaue out the *Preface* altogether, which neuertheless is a chiefe part of his Booke, and it deserved to bee put in *Latine* as much if not more then any other

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part

part thereof. But the *Authours* of *Bookes* must now aduaies, if they looke not themselues to the translating & publishing of them, speak as it pleaseth the *Translators* & *Censors*.

15. Neither is it sufficient for a ny man, which also is to bee *observed*, to condemne any doctrine as temerarious or improbable, for that in his iudgement and opinion it is repugnant to *Scriptures*, ancient *Fathers*, *Councels*, *Caxons*, practice of the *Church* and *Theologicall* reasons, if it bee approued by other learned *Catholikes*, who haue examined all the arguments on either side; for otherwise the *Thomists* might condemne of temeritie the *Scotists*, and the *Scotists* the *Thomists* in the question of the *B. Virgins* Conception; The *Diuines* of *Rome* might condemne of temeritie the *Diuines* of *Paris*, and the *Diuines* of *Paris* the *Diuines* of *Rome* in the question of the *Popes* infallibilitie, and superioritie of the *Pope* and a *Generall* Councell; and the *Iesuites* might condemne of temeritie the *Dominicans*.



*cans*, and the *Dominicans* the *Iesuits*, in the question of the efficacie of Grace : for all of them alledge for their opinion, *Scriptures*, *Fathers*, *Councels*, *Canons*, & *Theologicall* reasons, & it is vsuall in most Theological questiōs to bring such arguments on both sides. But true probabilitie and improbabilitie, and whereof not only learned men, but also the vnlearned without any great difficultie or perplexitie of conscience may iudge, is to be taken not from *intrinsecall* grounds, which are vnknowne to vnlearned men, but from *extrinsecall* grounds, to wit, the authoritie of learned men who are knowne to approue that doctrine. And therefore *Aristotle*, whome all Philosophers & Diuines do herein follow, did by *extrinsecall* grounds define *probable*, to be that which is *approued by wise, learned, and skilfull men* in the Art which they professe: as in a matter of Law that is probable, which is approued by learned and skilfull Lawyers; in a matter of Physicke that is probable, which is approued by

*Aristotle lib. i.  
Top. cap. 8.*

### The Sixt Observation:

learned and skilfull Physicians, and in a matter of Theologicall learning that is probable, which is approoued by learned and skilfull Catholike Diuines: which definition of *probable* is grounded in the light of naturall reason, for that it is not against prudence, and therefore no temeritie to giue credit to one in a matter wherein he is skilfull, according to that vulgar maxime, *Vnicuique in sua arte perito credendum est*, *Credit is to bee given to every man that is skilfull in his Art.*

16. These bee the two principall grounds, for which the doctrine of *deposing* Princes by the Popes authoritie may lawfully bee denied, and also abiured in the manner aforesaid; for if it bee *certaine*, that it is open iniustice to dispossesse any man vpon a *probable*, *uncertaine*, and *controuersed* power or title, and it is also *certaine*, that it is a *controuersie*, and not *certaine*, whether the Pope hath authoritie to *depose* Princes or no; it followeth evidently, that it is as lawfull for any man to sweare, that the *Pope* hath no authoritie to  
de-

*depose* Princes, as that hee hath no authoritie to commit open iniustice. But of this *probabilitie* see more beneath in the end of this Treatise.

17. The *Seuenth* and *last* Observation is, that wee must carefully consider, what the swearer is bound to acknowledge and sweare in euery *branch* of this *Oath* by *force* and *vertue* of the *expresse words*, and according to the *plaine and common vnderstanding of them*, to which by the *seuenth branch* hee is expressly tyed, and what he may lawfully acknowledge and sweare by *reason* of the *matter*; for this distinction may no little auaille to the better vnderstanding of some clauses of this *Oath*, seeing that it may often fall out, that in regard of the *matter* one may lawfully sweare that, which by *force* of the *words* hee is not bound or demanded to sweare. As for example, if one bee commanded to sweare, what his iudgement, opinion, perswasion or acknowledgement is concerning something, whereof notwithstanding he is certaine; by *force* of the *wordes* hee is bound only to

*The Seuenth Obseruation.*

sweare, that hee thinketh, iudgeth,  
 is perswaded, and acknowledgeth  
 it to bee so, yet by *reason* of the  
*matter* which to him is certaine, hee  
 may lawfully sweare that absolutely  
 and assuredly it is so. Likewise if  
 one bee commanded to abiure as  
*false*, and *hereticall* a *conditionall dis-*  
*iunctiue* proposition, which imply-  
 eth a choice to take which part of  
 the *disiunction* he please, by *force* of  
 the wordes hee is bound to abiure  
 but *one part* of the *disiunction* as *he-*  
*reticall*, because to make such a *dis-*  
*iunctiue* proposition to bee *false* and  
*hereticall*, it sufficeth that *one part*  
 only of the *disiunction* bee *false* and  
*hereticall*, yet sometimes by *vertue* of  
 the *matter*, when both parts of the  
*disiunction* are *heretical*, he may law-  
 fully abiure both as *heretical*, albeit  
 by *force* of the *wordes* hee bee not  
 bound thereunto. As these proposi-  
 tions, *Any man may lawfully honour,*  
*or blaspheme God, The Pope by vertue*  
*of his Pastorall power may excommu-*  
*nicate or murther any wicked Chri-*  
*stian*, are *false* and *hereticall*, and yet  
*one part* of the *disiunction* is true, and  
 only



only the other is *false* and *hereticall* : but both parts of this proposition, *any man may lawfully hate or blaspheme God*, are *false* and *hereticall*, & so by reason of the *matter* both parts may be abiured as *hereticall*, although by force of the forme of words, to abiure the whole proposition as *heretical*, it sufficeth to abiure only *one part* thereof as *hereticall* : And how this also may bee applyed to the *fourth* branch of the *Oath*, wherein a *conditionall disiunctive* proposition is contayned, and whether the *doctrine* not only of *murthering Princes*, which be *excommunicated* or *deprived* by the *Pope*, but also of *deposing* them, may bee abiured as *hereticall*, you shall see beneath. These *Observations* being considered, there will be found little or no difficultie in any part or parcell of the *Oath*.

The *First* Chapter.

The *First* Branch of the *Oath*,  
and an *Explication* thereof.

I A. B. doe truly and sincerely acknowledge, professe, testifie, and declare

## *The First Branch of the Oath.*

*clare in my conscience before God and the World, That our Soueraigne Lord King James. is lawfull & rightfull King of this Realme, and of all other His Maiesties Dominions and Countries.*

I. This Branch (which is the ground and foundation of the whole Oath, and as it were the roote and fountaine, from whence all the other branches, wherein the Popes authoritie is any way denyed, doe spring and are deriued) is so cleere and manifest, that no learned and well affected subiect can take any colourable exception against the same. In so much that Fa. Parsons \* himselfe feareth not to affirme, *that there is no man, who sticketh or maketh difficulty to acknowledge our Soueraigne to bee true King and rightfull Lord over all his Dominions, for that euery English Catholike will sweare and acknowledge most willingly all those parts and clauses of the Oath, that doe any way appertayne to the Ciuill and Temporall Obedience due to His Maiestie whom hee acknowledgeth for his true and lawfull King and Soueraigne over all*  
His

\* In his Booke entituled, *The Iudgement of a Catholike Englishman, &c.* part. 7. nu. 22. pag. 13. & 16.

His Domioions. And *Martinus Becanus* in  
*canus* a famous Iesuite in the first E- *Controuersia An-*  
 dition of his *Controuersia Anglicana* *glic. cap. 3. p. 102*  
 writeth thus: *And truly to me it is cer-*  
*taine, that all the parts and propositions*  
*of the Oath are not false if they bee*  
*well declared. For these are true : first,*  
*that King James is lawfull King of*  
*England, Scotland and Ireland : Se-*  
*condly, that in the same Kingdomes he*  
*is the Supreme or Soueraigne Lord in*  
*Temporalls.*

2. *First* therefore, if wee consider  
 the end of this Oath (which is only  
 to make profession of our temporall  
*Allegiance*, and to *make a true distin-*  
*ction* not betwixt *Catholikes* and *Pro-*  
*testants*, &c. the expresse declaration  
 of His *Maiestie*, and the rules be-  
 fore mentioned in the *second* and  
*third* Obseruation, it is euident, that  
 by those wordes [*Soueraigne Lord*] is  
 not to be vnderstood the *Kings Sup-*  
*remacie* in Spirituall and Ecclesiasti-  
 call, but only in Temporall and Ci-  
 uill causes.

3. *Secondly*, it is also euident, that  
 albeit by force of the expresse wordes,  
 and

and the plaine and common understanding of the same, to which the seventh branch of this Oath tyeth the swearer, wee are bound only to acknowledge that *King Iames is lawfull and rightfull King of this Realme, and of all other His Maiesties Dominions and Countries*, and not that *Hee is the Soueraigne Lord of the same*, both for that those words [*Soueraigne Lord*] are put only *ex parte subiecti*, and not *ex parte predicati*, and therefore by *vertue* of the words are not affirmed; as likewise he that stileth the Pope *most holy and most blessed*, doth not affirme him to bee *most holy and most blessed* vnlesse the words *most holy & most blessed* be put *ex parte predicati*; & also that if we regard the force and *vertue* of those words [*Soueraigne Lord*] they haue not the same sense, which the words [*lawfull and rightfull King*] haue, seeing that one may be a *lawfull and rightfull King*, and yet not the *Soueraigne Lord* of His Kingdome, as if the *Emperour* should make the great *Duke of Toscan* King of *Hetruria*, he would be *lawfull and right-*



rightfull King of that Countrie, and yet not the *Soueraigne* or *Supreme Lord* of the same, because hee is as a feudarie subiect to the *Emperour*. Neuerthelesse because the *lawfull and rightfull King* of *England*. is also the *Soueraigne Lord* of the same, by reason and vertue of the matter we may lawfully, and if it bee demanded at our hands, are bound to acknowledge and sweare, that *King Iames* is not only the *lawfull and rightfull King* of *England* & of all other His *Majesties* Dominions, but also the *Soueraigne* or *Supreme Lord* of the same. And in this sense, both the *XIII. Priests*, and also *M. Greene* vnderstood the word *Soueraigne* in their *Protestation* and *Declaration*.

4. Neither is it to the purpose which some obiekt, that the *King* of *England* is the *Popes Vassall*, and as a feudarie subiect to him in Temporals, and therefore the *Pope*, and not *King Iames* is the absolute *Soueraigne* and *supreme Lord* in Temporals of this Kingdome. For although wee should absurdly admit, that for the  
title

and the plaine and common understanding of the same, to which the seventh branch of this Oath tyeth the swearer, wee are bound only to acknowledge that King James is *lawfull and rightfull King of this Realme, and of all other His Maiesties Dominions and Countries*, and not that Hee is the *Soueraigne Lord of the same*, both for that those words [*Soueraigne Lord*] are put only *ex parte subiecti*, and not *ex parte predicati*, and therefore by *vertue* of the words are not affirmed; as likewise he that stileth the Pope *most holy and most blessed*, doth not affirme him to bee *most holy and most blessed* vnlesse the words *most holy & most blessed* be put *ex parte predicati*; & also that if we regard the force and *vertue* of those words [*Soueraigne Lord*] they haue not the same sense, which the words [*lawfull and rightfull King*] haue, seeing that one may be a *lawfull and rightfull King*, and yet not the *Soueraigne Lord* of His Kingdome, as if the Emperour should make the great Duke of Toscan King of *Hetruria*, he would be *lawfull and right-*

*rightfull King* of that Countrie, and yet not the *Soueraigne* or *Supreme Lord* of the same, because hee is as a feudarie subiect to the *Emperour*. Neuerthelesse because the *lawfull and rightfull King* of *England*. is also the *Soueraigne Lord* of the same, by reason and vertue of the matter we may lawfully, and if it bee demanded at our hands, are bound to acknowledge and sweare, that *King James* is not only the *lawfull and rightfull King* of *England* & of all other His *Majesties* Dominions, but also the *Soueraigne* or *Supreme Lord* of the same. And in this sence, both the *XIII. Priests*, and also *M. Greene* vnderstood the word *Soueraigne* in their *Protestation* and *Declaration*.

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title

title and clayme of *Temporall Sovereignty*, which the *Pope* pretendeth to haue ouer this *Kingdome* by vertue of some grant of former *Kings*, may bee brought some probable prooffe, as there cannot, seeing that it is euident, that no *King* of *England* hath authoritie to giue away His *Kingdome*, or make it subiect in *Temporals* to another *Prince* without the consent of the *Kingdome* it selfe; and that no colour of any probable prooffe can bee brought from any *Authenticall* Instrument to shew, that the *Kingdome* of *England* euer consented to any such grant, yet considering that no *probable* title can bee a sufficient ground to *deprive* any man of that Right, Dominion, or any other thing which he *actually* possesseth, but such a title must bee *most certaine* and out of all controuersie, as I shewed aboue in the *Fift* Observation, it is manifest, that, notwithstanding any such *probable* title, euery subiect of this Land may lawfully acknowledge by *Oath*, that *King James* is not only the *lawful* and *right-*  
full



*full King of this Realme, and of all other His Maiesties Dominions and Countries, but also the Soueraigne or supreme temporall Lord of the same.*

CHAP. II.

*The Second Branch of the Oath,  
and an Explication thereof.*

**A***Nd that the Pope neither of himselfe, nor by any authoritie of the Church, or See of Rome, or by any other meanes which any other hath any Power or Authority to depose the King, or to dispose any of his Maiesties Kingdomes, or Dominions, or to authorize any forraigne Prince to invade or annoy Him, or his Countries, or to discharge any of his Subiects of their Allegiance and Obedience to his Maiestie, or to give license or leaue to any of them to beare Armes, rayse Tumults, or to offer any violence or hurt to His Maiesties Royal Person, State, or Government, or to any of His Maiesties subiects within His Maiesties Dominions.*

1. This Branch supposing the former Observations, hath in it no difficult-

*The Second Branch of the Oath.*

cultie at all, although wee should admit, that the *immediate* obiect thereof, or which is all one, that, which in this *Branch* by *force* of the words we are bound *immediately* to swear, is not only our sincere acknowledgement, and perswasion, but also that absolutely and assuredly the *Pope* hath not any *authoritie* to depose the King, &c. For considering that the whole tenour of this *Branch* tendeth to practise, namely, to depose, to dispose, to invade, annoy, beare Armes, raise Tumults, offer violence or hurt, and to discharge subjects of their Allegiance, and also, that it is a doctrine approved by many learned Catholikes, and who have examined all the arguments on both sides, and consequently, that it is *truely probable*, that the *Pope* hath no *authoritie* to deprive Princes, or to dispose of their Temporals, it is as cleere and manifest, that any man, whether hee bee the Kings subject or no, what opinion soever he followeth in *speculation* concerning the *Popes* *authoritie* to deprive Princes, yet hee may as certainly acknowledge

ledge and sweare, that the *Pope* hath no authoritie to depose the *King*, that is, to practize his deposition, or any other of those things mentioned in this *Branch*, as it is cleere and manifest, that hee may certainly acknowledge and sweare that the *Pope* hath no authoritie to commit open iniustice, and that in a *doubtfull* vncertaine, and disputable case, the condition of the possessour is to bee preferred.

2. Neither doe *temporall Princes*, or other priuate men that haue any thing in their possessiō greatly regard, what learned men, who by the subtiltie of their wits can easily finde out some probable colour of a broken and pretended title, may *speculatively* dispute in Schooles concerning their titles, so that in *practice*, notwithstanding such *disputations* and *speculations*, they bee secured from being put out of that which they really and *bona fide* doe possesse. And doubtlesse most miserable were the state of all men that possesse any thing of worth, and much more of *Princes*, if vpon a title, which some learned men may  
in

in *speculation* approve, it were lawfull to invade their possessions, before a lawfull Iudge, and who is certainly knowne so to bee, hath decided and determined the title or controuersie. To preuent which mischiefe all *Nations* being guided herein by the light of naturall reason haue agreed in this *manifest principle*, that it is open iniustice to put any man out of his possession vpon any title which is not most certaine and free from all controuersie vntill a lawfull and vndoubted Iudge hath decided the matter. (I said a *lawfull and vndoubted Iudge*) for if it be doubtfull, vncertaine, and questionable whether he be a lawfull and competent Iudge to determine that cause, his decision cannot be sufficient to end the controuersie. For which cause the *Pope* is not to bee accounted a lawfull and competent Iudge to decide this question concerning his owne pretended authoritie to depriue Princes, for that it is a controuersie among learned Diuines and approved by very many (as Pope Adrian, the Cardinall of Cambray, the

Car-



Cardinall Cusanus, the Cardinall Panormitan, the Cardinall of Florence Master to Panormitan, Iohn Patriarch of Antioch, Abulensis, Ioannes Parisiensis, Ioannes Gerson, Iohn Maior, Almaine, and almost all the Vniuersitie of Paris cited by Widdrington) that the Pope is not a competent Iudge to decide or define infallibly any doctrinall point (and much lesse in his owne cause) without a true and vndoubted generall Councell, and therefore although he should hereafter, (as yet he hath not) attempt to define and decide this question, his decision could not end the controuersie, nor giue sufficient warrant to any man to practize the deposition of Princes, vpon so doubtfull, vncertaine, and questionable power or title.

Widdring. in  
the discouerie  
of D. Schulke-  
nius slanders.  
§.7.

3. Neuerthelesse it behooueth temporall Princes to be very carefull, that their titles to the Dominions which they lawfully possesse, be not so much as *speculatinely*, or only for *Disputation* sake disputed *pro* and *contra*, by learned men, least that some ignorant or turbulent spirits, which

F

either

See beneath  
in the end of  
this *Treatise*  
some of these  
Decrees.

either doe not know , or of set purpose to colour their practices, vnder a pretence of a *probable title*, will not take notice of the manifest difference betwixt *speculation* and *practice*, may take occasion thereby to disturb the publike peace, and to molest, annoy, or to offer any violence or hurt to their *Royall* Persons, States, or Government. For which cause the *Parliament* of *Paris* hath with great wisdom and reason oftentimes by publike *Edicts* ordained, that the doctrine of deposing their *Kings* should not bee so much as taught and maintayned to bee probable, or *problematicke*, that occasion be not giuen to seditious spirits (who know not, or will not take notice of the difference betwixt speculation and practice) to attempt, vnder pretence of a probable title any violence against the Crowns or sacred Persons of their *Kings*. And the reason is manifest, for that the temporall Common-wealth hath good and full authoritie to forbid the teaching and publishing of any doctrine which is not necessarie, whereby probable danger

danger to the Crownes and liues of temporall Princes, and perturbations in the Common-wealth may arise.

4. *First* therefore, by those words of this Branch [nor by any other means with any other] it is euident, that the *Parliament*, which representeth the whole bodie of the Kingdome or Common-wealth did not intend to meddle with the authoritie which the whole Kingdome or Common-wealth may (according to the opinion of some Doctōrs) pretend to haue in some cases ouer their *soveraign* Prince, as *Lessius* and others (whom the *Authors* of the *Prelate* and the Prince, doth seeme to follow) doe idly object. And although the meaning of those words were, to deny, that the whole Kingdome, or Common-wealth hath no authoritie to *depose* their *King*, yet considering that it is also a probable doctrine, & approued by many learned Catholike Diuines, *Widdr. in Apo-* and Lawyers cited by *Widdrington*, *log. nu. III.* and that the *Common-wealth* hath no such in his *Answer* authority, it is also lawfull for any man to *Fitz-herb* (of what opinion soeuer hee bee in *part. 3. & cap.*

*The Second Branch of the Oath.*

*speculation* concerning this authoritie of the Cōmonweath) to acknowledge and sweare, that the *Common-wealtb* hath no more authoritie to depose the *King*, that is, to practize his deposition, then she hath to commit open iniustice; But the true meaning of His *Maiestie* and the *Parliament* is, as the words themselues doe plainly signifie, only to deny the *Popes* authoritie to depose, &c. to wit, that the *Pope* neither of himselfe, that is, neither as a sole and totall cause, nor by any authoritie, &c. that is, neither as an *Instrument* or *Minister* of the *Church* or *Sec of Rome*, nor by any other meanes with any other, that is, nor as a principall, or true and proper partiall cause or Agent, hath any authoritie to depose the *King*, &c.

5. Neither by those wordes [*or to authorize any forraigne Prince to invade or annoy Him or His Countries*] did His *Maiestie* and the *Parliament* intend to denie the authoritie which temporall Princes may haue in some cases to make warre against their neighbour Princes, and consequently against



against His *Majestie*, if he should giue them iust cause of warre (yet euer observing, that no *probable* power, cause, or title can bee a sufficient ground to punish any *Prince*, or to inuade His Countries) but, as the expresse words do plainly shew, only to deny the *Popes* *authoritie*, to *authorize any forraigne Prince to inuade or annoy Him or His Countries*: because all the *authoritie* which *temporall Princes* haue to make warre, or to inuade the Kingdome of an other *Prince* for what cause, crime, or end so euer it bee, is deriued from their *temporall Soueraigntie* grounded vpon the *Law of Nature*, or *Nations*, & not from the *Popes* *authoritie*. And likewise all the *authority*, which the *temporall Common-wealth* may pretend to haue in some cases to rise vp in Armes against their *Prince*, is not deriued from the *Popes* warrant, license or *authoritie*, but (if there be any such power) from the *Law of Nature*. And therefore with great reason this *Clause* denyeth in the *Pope* all power and *authoritie to authorize any forraigne Prince to inuade or annoy*

*The Second Branch of the Oath.*

*His Maiestie, or his Countries, or to give license or leaue to any of his subjects to beare Armes, rayse Tumults, or to offer any violence or hurt to His Maiesties Royall Person, State, or Governmēt: because although they shuld haue any such authoritie, leaue, or licence, wherewith His Maiestie and the Parliament would not in this Oath intermeddle, they haue it not from the Pope, but from the Law of Nations, or Nature.*

6. Secondly, in this Branch is not denied the *Popes* authoritie to command in temporals in order to spirituall good, or to declare, that they who haue authoritie to depose, or to make warre, are bound to vse their temporall authoritie, and to draw forth the temporall Sword, when the necessitie of the Church, and the spirituall good of soules shall require the same; for this authoritie to declare and command doth not exceede the limits of spirituall power, as *Widdrington* hath shewed at large heretofore: But here is only denyed the *Popes* authoritie to depose temporall Princes, to dispose of their

*Widdr. in Apol  
nu. 99. and in  
all his other  
Bookes very  
often, but e-  
specially in his  
Answer to  
Fitz-herb.*

their temporals , *to vse* or *draw* forth the temporall Sword, or to authorize temporall *Princes* or subiects to *vse* or *draw* forth the same : for whosoever giueth authoritie to another man to vse the temporall Sword, hath authoritie to vse it himselfe, although sometimes for want of strength or some other necessarie Instrument hee cannot vse it himselfe, yet still he hath authoritic to vse it.

7. And although a *Commander* (which I wish the *Reader* to obserue for the *Author* of the *Prelate* and the *Prince*) is commonly said to doe that thing which is done by his Commandement, (and so hee that counsaileth, consenteth, or any way concurrerh although *per accidens*, and not by any proper vertue, or influx of his owne, is said to doe that thing) as hee that applyeth fire to straw, or commmandeth, counsaileth, yea, or doth not hinder the applying thereof, when hee is bound to hinder it, is said to burne the straw, although hee bee no true and proper efficient cause of the burning thereof, but on-

ly a cause *per accidens*) yet a *Commander* is not said to doe that which hee commandeth, as a true and proper cause, or as hauing authoritie to doe that thing which hee commandeth. (whereof this *Branch* of the Oath doth only speake) but only as a cause *per accidens*, (which according to the doctrine of all Philosophers, is no true and proper efficient cause) vnlesse by his proper power, vertue, influxe or authoritie hee concurre to the doing thereof, and that the person commanded hath his power, vertue, or authoritie to doe that thing deriued from the *Commander*, or depending on him.

8. For which cause a *Painter*, who commandeth his Seruant to make a Picture, and giueth him rules and directions how to mingle his Colours, and afterwards to apply them, which without the directions of his *Master*, hee himselfe could not doe, is the *principall* cause and agent of making that Picture, and the Seruant is only his *Instrument* or *Minister*, for that all the Arte hee hath to make



make that picture is deriued from the commaundement and directions of the Painter , and depending on him, and yet a *King* , who hath no skill to paint , and commaundeth the Painter to make a picture, is no true and proper efficient cause of making that picture , but onely a cause per accidens, by morally applying the Painter that hath skill to vse the same. So likewise a *Prince*, who commaundeth his Officers to condemne and put to death an egregious malefactor, is the principall cause of his death, and the Officers are onely his *Instruments, Ministers, and Executioners*, for that all the authoritie, which they haue to condemne and kill that malefactor , is deriued from the Prince, and depending on him ; because onely the *Prince* doth authorize, or giue them authoritie to pronounce and execute that sentence : And yet the *Pope* commaunding a *Prince* to vse his temporall sword, power, or authoritie when the necessitie of the Church shall require the same, as to make warre, inuade any Coun-

Countrey, or to put any egregious malefactor to death, is onely a *cause per accidens*, of that warre, &c. by applying morally, to wit, by his commandement, the person, who hath authoritie to make warre, &c. to the making thereof. But the *Pope* is no true and proper cause of that warre, &c. neither can hee bee said to make that warre, as *having authoritie* to make it, or as *authorizing*, or giuing authority, leaue, or licence, (whereof onely this *branch* maketh mention) to the *Prince* to make that warre, &c. Neyther is the *Prince* in making that warre, &c. the *Popes Instrument*, *Minister*, or *Executioner*, (as the *Author* of the *Prelate* and the the *Prince* absurdly affirmeth) for that he hath not his authoritie to make warre, &c. deriued from the *Popes* commandement, or depending on it, whereas (according to the doctrine of all Philosophers) it is necessary to an *Instrument*, that it haue all it vertue to worke deriued from the principall Agent, or depending on it; but all the authoritie, which *temporal Princes*, or *Common-wealths* haue in

in temporall affaires, is deriued from the law of *Nations*, or *Nature*, and not from the *Popes* authoritie or commandement.

9. By which it is apparant, how grossly the said *Author* of the *Prelate* and the *Prince*, in excepting against this *Branch*, was mistaken, for not considering the difference betweene a *Commander*, who hath onely authoritie to *command*, but not to *execute*, or doe that which hee commandeth to be done, and a *Commander*, who hath authoritie both to commaund, and also to execute or doe that which he commandeth to be done, although perchance he cannot effect it for want of strength or effectuall meanes, but not for want of authoritie, as euerie lawfull *Prince* hath sufficient authoritie to subdue his Rebels, and yet hee cannot alwaies effect it, not for want of authority, but for want of strength, force, or effectuall meanes, because his Rebels are more strong and potent then he is.

## CHAP. III.

*The Third Branch of the Oath,  
and an Explication thereof.*

**A**Lso I doe sweare from my heart,  
that notwithstanding any Decla-  
ration, or sentence of Excommunication,  
or Deprivation made or granted, or to  
be made or granted by the Pope or his  
Successours, or by any Authoritie deri-  
ued, or pretended to be deriued from him,  
or his Sea against the said King, his  
Heires or Successours, or any absolution  
of the said subiects from their obedi-  
ence: I will beare faith and true allegi-  
ance to his Maiestie, his Heires and  
Successours, and him and them will de-  
fend to the vttermost of my power, a-  
gainst all cōspiracies & attempts what-  
soeuer, which shall be made against his  
or their Persons, their Crowne and dig-  
nitie, by reason or colour of any such  
sentence or declaration or otherwise,  
and will doe my best endeuour to dis-  
close and make knowne unto his Maie-  
stie, his Heires & Successors, all Trea-  
sons, & Traiterous Conspiracies which  
I shall know or heare of to be against  
him or any of them.

I. This



I. This *Branch* of the *Oath* is somewhat clearer then the former, because it doth not expressely and in plaine termes deny the *Popes* Authoritie to *deprive* or *depose* Princes, but it onely containeth in expresse words a promise, which the Subiect confirmeth by Oath, that if in case the *Pope* hath denounced, or hereafter should denounce any sentence of *Excommunication* or *Deprivation* against the *King*, his Heires, or Successours, or any *absolution* of the said Subiects from their obedience, yet he wil beare faith and true allegiance to his Maiestie, his Heires and Successours, and him and them will defend, &c. Neuerthelesse the lawfulnessse or iustice of this *promissorie* Oath supposeth for the principall ground thereof, the veritie of the former *assertorie* Clause, and therefore it implieth, and virtually containeth a deniall of the *Popes* authoritie to *deprive* or *depose* Princes, and to *absolve* Subiects frō their temporall allegiance: for that whosoever doth sweare, that notwithstanding any sentence of deprivation,  
or

Suarez in *De-  
fens. lib. 6. cap. 3.*  
See Widdring.  
against Fitz-  
herbert *part. I.*  
*cap. 5.*

or absolution of subjects from their obedience made, or hereafter to be made by the *Pope* or his Successours against his *Maiestie*, his Heires or Successours, to make this promise iust and lawfull, he must consequently deny, that the *Pope* hath Authoritie to depriue Princes, or to absolue Subjects from their obedience, as *Suarez* examining this *Branch* of the Oath doth most clearely demonstrate. For if the sentence of deprivation to be made at any time hereafter against the *King*, his Heires or Successours, for any manifest cause or crime whatsoever, may be iust, lawfull, and effectuell, it is as vnlawfull to take this *clause*, as it is vnlawfull for one to sweare, that he will not obey the *Popes* sentence and commandement, which hereafter he shall impose, be it neuer so iust, and without all error or default : But if this sentence of *deprivation* at any time hereafter to be made can neuer be iust, it must needs follow, that the *Pope* hath no more authoritie to *deprive* or *depose* the *King*, his Heires or Successours, then

then he hath authoritie to commit open iniustice.

2. Wherefore those *thirteene* Reuerend Priests, who solemnly protested to *Queene Elizabeth*, that *notwithstanding any authoritie* (which word are farre more generall, then notwithstanding any sentence of depriuati-on) or any *Excommunication* either denounced, or to be denounced against her Maiestie &c. they would yeeld to her Maiestie *all obedience in temporall causes*, would then haue made no difficultie to take this *Branch* of the Oath, and consequently to free themselves from periurie, they must also deny the *Popes* Authoritie to depriue and depose Princes, for that the iustice of this *Branch* implieth & supposeth as a chiefe ground thereof a deniall of the *Popes* authoritie to *deprive* and *depose*, as *Snarez* doth most plainly conuince.

3. *First* therefore in this *Clause* is not denied the *Popes* power to *Excommunicate*, but onely that *Excommunication* being a spirituall censure doth not worke this temporall effect,

as

*Bell. in Tract.  
contra Barclai-  
um cap. 21.*

*pag. 202.*

*Suarez in De-  
fens. &c. lib. 6.  
cap. 3. nu. 6.*

*The Kings Ma-  
iestie in his  
Premonition  
&c. pag. 9.*

as to make *Kings* no *Kings*, or to depriue them of their *Royall* right and *Soueraigntie*, and consequently not to *absolue* Subiects from their naturall allegiance, which, according to the doctrine of Card. *Bellarmino* and *Suarez* they doe by the law of God and Nature owe to their lawfull Prince. And thus much his *Maiestie* hath also in expresse words declared. *The truth is*, saith his *Maiestie*, that the *Lower house* of *Parliament* at the first framing of this *Oath*, made it to containe, that the *Pope* had no power to *Excommunicate mee*, which I forced them to reforme onely making it to conclude, that no *Excommunication* of the *Popes* can warrant my Subiects to practise against my Person or State, denying the deposition of *Kings* to be in the *Popes* lawfull power, as indeede I take any such temporall violence to be farre without the limits of such a spirituall censure as *Excommunication* is, And also that depriuation or deposition from temporall kingdomes is not an effect of *Excommunicatiō*, *Widdrington* hath shewed at large heretofore, and



and *Becanus* and *Suarez* doe also in *Widdrington* expresse words affirme the same. *Frō* in his Apologie nu. 346. in hence it is very apparāt saith *Becanus*, his Answer to that *Heretikes* by this precisely that *Suarez* part. 2. they are excommunicated, are not de- sect. 4. and in prived of their Dominion or Iurisdiction his Answer to on either over their subiects, or over *Fitzher.* part. 3. their temporall goods, but this deprivation is a distinct punishment, and inflicted by a distinct law. And againe, It is one thing, saith he, to excommunicate a King, and an other thing to depose him, or deprive him of his Kingdome, neither is the one necessarily connected with the other. Many Kings and Emperours have beene excommunicated, and yet not therefore deposed, and contrariwise many deposed, and yet not therefore excommunicated. See also *Suarez* cited by *Widdrington* in his Apologie, and in his answer to *Suarez* and *Fitzherbert*. cap. 1. *Becanus* in quest. de fide bereticis servanda ca. 8. nu. 16. and in his *Controuersia Anglic.* cap. 3. qu. 2. *Suarez* tom. 5. disp. 15. sect. 6. nu. 3.

4. And therefore in very truth I am forie, and doe in some sort pittie the Author of the *Prelate* and the *Prince* (a man whom heretofote I haue much loued, respected, and honoured) that he should so grossly forget himselfe, as

Pag. 298.

to bewray so palpably such great want of learning, iudgement, and sinceritie, in affirming so boldly. and without any prooffe at all, that deprivation of Regall authoritie is an effect of excommunicating Kings and Princes, and so in denying the effect, the cause is denied. For as, saith he, if you should say, A man is not risibilis, that is, hath not power to laugh, you should deny him to be a man, so in denying that the Pope can deprive Princes of their Kingdomes, you deny in effect that he can excommunicate. Whereas this Authour knew right well, that Widdrington in that very Chapter which hee citeth, did, by the expresse doctrine of Suarez and Becanus, but now related, cleerely proove against Lessius, (who urged even as nakedly and without any prooffe at all the same obiection) that deprivation is no effect at all of Excommunication, much lesse proprium quarto modo, as risibilis, a power to laugh is to a man, as this Authour most vnlearnedly affirmeth. And yet forsooth he taketh vpon him, as it may appeare by the very Title and Inscripti-

tion of his *Treatise*, to giue a full *In-*  
*struction* and appeasement to the consci-  
ences of *English Catholikes* concerning  
the Oath of *Allegiance*. But this shall  
suffice at this present for an imperfect  
portraying of this *Authors* want of  
iudgement and sinceritie in his *Expli-*  
*cation* of the Oath of *Allegiance*, (e-  
specially if wee consider his person,  
the Office hee now beareth, and the  
doctrine which in former times hee  
held) for that (as I am told) his per-  
fect Picture both in this and other  
points is already drawne, and will  
be set forth in liuely colours ere it be  
long.

5. *Secondly*, it is euident by the  
former Observations, that those  
wordes [*Heires and Successors*] doe  
not signifie *Vsurpers*, as some would  
wrest them contrarie to the meaning  
of the Law, the plaine and common  
signification of the wordes, and the  
rules before alleaged: For albeit this  
word [*Successour*] may in generall bee  
taken for euery Successour, who ei-  
ther vnlawfully or vnlawfull doth  
succeed, yet particularly and proper-  
ly

### *The Third Branch of the Oath.*

ly when it is placed in a *Law*, it is v-  
 sually taken only for a *lawfull Successor*: wherefore according to that  
 rule of the *Cinill Law* before mention-  
 ed in the second *Observation*, that  
*the doubtfull words of euery Law must*  
*be taken in that sense, which is with-*  
*out default*, this word [*Successors*]  
 must in this *Oath* established by His  
*Maiesties Law* bee limited only to  
*lawfull Successors*, and who accor-  
 ding to the *Lawes* of the *Kingdome*  
 doe succeed. For as according to  
*Law*, *Id tantum possumus quod iure*  
*possumus*: *We can only doe that, which*  
*wee can doe lawfully or by Law*, so  
 according to *Law*, he only is accoun-  
 ted to *succeed*, who by *lawfull right*  
 doth *succeed*. Whereupon the *Cinill*  
*Lawyers* doe define *Inheritance*, to be  
*a succeeding to all the right of one de-*  
*ceased, and an Heire, who succeedeth*  
*him in all his right*, without adding  
*lawfull succeeding, or lawfully succee-*  
*deth*, for that it is alwayes so to bee  
 vnderstood, and therefore being ne-  
 cessarily supposed, it is not expresse,  
 but altogether omitted in the defini-  
 tions



tions of an *Heire* and of *Inheritance*. And whensoever in the *Common* or *Statute Lawes* of this Kingdome any mention is made of the *King* and his *Succeffours*, this word [*lawfull*] is but few times added, although alwayes it ought to be vnderstood.

6, *Thirdly*, it is also euident by the former Obseruations, that by those words [*Treasons and Trayterous Conspiracies*] are only vnderstood true, proper, and naturall Treasons, and which among all Nations, what Religion soeuer they professe, are accounted *Treasons*, and repugnant to naturall Alleagiance and Temporall and Ciuill Obedience, and not such Treasons, which in regard chiefly of Religion are by the positiue Lawes of some Nations made *Treasons*, and accounted *Treasons* onely for that they are punished with the penalties which are due to proper and naturall Treasons, as are the comming in of English Priests into this Kingdome made by the *Popes* authoritie, and all reconcilements to the *Pope*, though in matters that concerne Religion. For as His

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*Maiestie and the Parliament haue declared, the only intent of this Oath is to contayn the profession of naturall Allegiance, and such ciuill and temporall dutie and obedience, which every true and well-affected subiect ought by the Law of God to beare to their lawfull Prince and Soueraigne with a promise to resist and disclose all contrarie vnciuill violence. For to preuent such hainous attempts and mischiefes, which in time to come might be plotted by the example of the Powder-Traytors, who vnder colour of Religion attempted that barbarous and deuillish Conspiracie, this forme of Oath was framed, saith His Maiestie, to be taken by all my subiects, whereby they should make cleere profession of their resolution, faithfully to persist in obedience vnto me, according to their naturall Allegiance; to the end that I might hereby make a separation, not only betweene all my good subiects in generall, and unfaithfull Traytors that intended to draw themselves from my Obedience; but specially to make a separation betweene so many of my subiects,*  
*who*

In his Apolog-  
 ic, pag. 2. nu. 2.

who although they were otherwise Popishly affected, yet retayned in their hearts the print of their naturall dutie to their Soueraigne; and those who being carryed away with the like fanaticall zeale, that the Powder-Traytours were, could not contayne themselves within the bounds of their naturall Allegiance, but thought diuersitie of Religion a safe pretext for all kinde of Treasons and Rebellions against their Soueraigne. Whereby it is apparant, that only such Treasons and Trayterous Conspiracies are here vnderstood, which are repugnant and contrarie to naturall Allegiance, and not such Treasons which are not naturall Treasons, but only in regard of Religion are by positieue Lawes made Treasons, and to be punished with the ordinary penalties of true proper and naturall Treason. And in this sense also those thirteene Reuerend Priests vnderstood the words Conspiracies, Attempts, and Practises in their Protestation.

## CHAP. IIII.

*The Fourth Branch of the Oath  
and an Explication thereof.*

“ **A**ND I doe further sweare, That  
 “ I doe from my heart abhorre,  
 “ detest, and abiure, as impious and he-  
 “ reticall this damnable doctrine, and  
 “ position, That Princes which bee ex-  
 “ communicated or deprived by the  
 “ Pope, may be deposed or murdered  
 “ by their subiects, or any other what-  
 “ soever.

I. Although this *Branch* may at the first sight seeme somewhat suspicious in regard of that word *hereticall*, yet if it be duly examined, according to the former Observations, it will easily appeare, that it containeth no such difficultie, as some impugnors of the Oath would seeme to imagine, but that if it bee lawfull to *abhorre, detest, and abiure* the afore-said position, as *cleerely false and injurious* to Princes, which the former Discourse doth plainly conuince, it is  
 also



also lawfull to abiure it as *hereticall*: or, which is all one, as contayning in it a falshood, which is repugnant not onely to naturall reason, but also to the Word of God reuealed in the holy Scriptures: For, as euery Doctrine and position, which is agreeable to that truth, which God hath reuealed, is to be accounted *of faith*: so contrariwise, euerie Doctrine and position, which contayneth in it a falshood, which is repugnant to the Word of God reuealed in the holy Scriptures, is to be accounted *hereticall*, and repugnant to *faith*. And in this sence, the word *hereticall* is not onely by all *Protestants*, but also by many learned Catholique Diuines commonly and vsually taken, as *Widdrington* hath shewed at large in his answer to *Fitzherbert*.

*Widdrington* in his *Adiinder* to the first and second part.

5. Neyther is it necessarie, that we must take the word *hereticall*, as likewise no other ambiguous word contayned in this Oath, in that strict and rigorous sence, wherein some Catholickes take the word *hereticall*, to wit, for that doctrine which not onely con-

contayneth a falshood repugnant to the holy Scriptures, but also which by the *Church* or a *generall Councell*, which representeth the *Church*, is expressly and particularly declared and defined so to be, but it sufficeth that we take the word, *hereticall*, in a proper and vsuall signification, and wherein Catholickes doe commonly take it, especially when this common sense is agreeable to the meaning and vnderstanding of the Law-maker: for that, according to the approued rule before set downe in the *second* obseruation, in a penall and odious matter, when the wordes of any Law are doubtfull or ambiguous, and there be many common senses of the same word or sentence, we ought to take them in that common sense, which is more *faunorable*, especially when it is not against the meaning of the Law-maker.

6. Neither also is it necessarie to make any *Doctrine* or *Position* to be *hereticall*, that the proposition with all particular circumstances therein expressed, must bee contained in the  
holy

holy Scriptures, but it sufficeth, that it contain a *particular* falshood, which onely in the *generall* is expressed in the holy Scriptures, and that no *particular* word, or circumstance bee added in the *particular* proposition, which doth make it not to be containd in the *generall* falshood, as a *particular* in the *universall*. For which cause, these propositions, *It is lawfull for one to take from his neighbour his purse, or to murder him with a pistoll, if hee live a wanton or wicked life*, are *hereticall*, and repugnant to those words of holy Scripture, *Thou shalt not steale*, *Thou shalt not kill*, Exod. 20. although those particularities of being a *wanton* or *wicked* man, or of killing him with a *pistoll*, are not expressly contained in the holy Scriptures, because they doe not giue any warrant to stealing or killing, or make that *particular* stealing or killing not be included in those *generall* words, *Thou shalt not steale*, *Thou shalt not kill*.

7. First therefore, although by reason of the matter of this Branch we may truly abiure as *hereticall*, not onely the

the Doctrine of *murthering*, but also of *deposing Princes*, which are *excommunicated or deprived by the Pope*, yet if we onely regard the *force* and *verue* of the expresse words, according to the plaine and common sense and vnderstanding of them, to which the *seuenth clause* of the Oath tyeth the swearer, we are not bound to abiure both Doctrines as *hereticall*, but it sufficeth, by *verue* of the words, to abiure as *hereticall*, onely the Doctrine of *murthering* such Princes, as *Wid-drington* hath shewed in his *Theologicall Disputation*, and proued more at large in his *Answer to Fitzherbert*, in the end of the *second part*. And the reason is, for that to make *hereticall* a *conditionall disiunctiue* proposition, which implyeth a free choyce to take eyther part of the *disiunction* if wee please, it sufficeth that one part of the *disiunction* be *hereticall*, although the other part be not *hereticall*, but perchance most true and of faith, which contrariwise happeneth in an *absolute disiunctiue* proposition, which supposeth and implyeth no such condition

or

In his Theolog. Disp. cap. 5. Sec. 2.



or choyce. As for example, This proposition, *It is lawfull for any man to honour or blaspheme God, if hee will, or,* which is all one in sence with this, *Any man may lawfully honour or blaspheme God,* is false and *hereticall*, and may be abiured as *hereticall*, although one part only thereof be *hereticall*, and the other part of faith: For such *conditional disjunctive* propositions, for as much as concerneth the truth or falshood of them, doe not follow the nature of an *absolute* and ordinarie *disjunctive* proposition, but of a *copulative* proposition, to the veritie whereof is required, that both parts must be true, and to make it false and *hereticall*, it sufficeth that onely one part thereof bee false and *hereticall*, whereas contrariwise to the veritie of an *absolute disjunctive* proposition, which implyeth no such choyce or condition, it sufficeth that one part thereof be true, and to make it false and *hereticall*, both parts thereof must needs be false and *hereticall*: for which cause this proposition, *God is honoured or blasphemed by good and vertuous men,* is true, because one part  
of

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of the *disjunction* is true, and this proposition, *God is honoured and blasphemed by good and vertuous men*, is false, because both parts of the proposition are not false, but one of them is true.

8. That this proposition, *Subjects may lawfully depose, or murder their Prince, who is excommunicated or deprived by the Pope*, or which in sence is all one with the Doctrine and position contayned in this *Branch* of the Oath (seeing that onely the Verbe *passive* is changed into the *active*) is such a *conditionall disjunctive* proposition, as implyeth a free choyce and condition to take eyther part of the *disjunction* if wee please, as likewise all such *disjunctive* propositions, wherein the Coniunction [*or*] followeth the Verbe [*may*] doe imply and suppose, according to the vsuall signification of our English phrase, a free choyse and condition to take eyther part of the *disjunction* if we please, *Widdring-ton* proueth by many examples of propositions, neyther can there be alledged scarce any one proposition, wherein

wherein it is not commonly so taken. As for example, You may stay here or depart: You may eat or drinke: you may buy in such a place Wine or Oyle: You may have in the shambles Beefe or Mutton: You may goe to such a place by land or by water: You may buy that land in fee-farme or by lease. The King by vertue of an Act of Parliament, may take of committed Popish Recusants, twentie pounds for everie moneth, or the third part of all their lands. The Sherife may presently hang a theefe condemned to die, or delay his death for some smalltime. If any person hold any lands of any other Lord, then of the King, by Knights service, he may give, dispose, or assure by his last Will and Testament, two parts of the said lands holden by Knights service, or of as much thereof as shall amount to the full yearly value of two parts. If a man by his last Will and Testament ordayne, that his Executors may bestow twentie pounds upon the poore, or repayre such a Bridge, it is in the free power of the Executor to chuse whether of those two he please. Finally, in clauses of renocation, where the words are, That one  
may

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*may by any deed in his life time, or by his last Will and Testament, reuoke the sayd vses, and limit new,* it is in his free power and choyce, to doe it by the one or by the other, as he shall thinke good. In these, & infinite such like examples, which may bee brought, the Verbe [*may*] implyeth a free power to chuse cyther part of the *disiunction* one pleaseth, neyther can there scarcely bee alledged any one example, wherein the Coniunction disiunctiue [*or*] immediatly following the Verbe [*may*] is not commonly so taken : and especially when the latter part of the *disiunction*, which is affirmed, is no way lesse certayne, but rather more certaine then the former part : which note, I wish the Reader to obserue chiefly for the Doctrine of this present clause, which doth not affirme, that *Princes* beeing excommunicated or depriued by the Pope, may be *murthered* or *deposed* by their subiects, for then some might imagine the sense to be that such *Princes* may be *murthered* or at least wise *deposed*, because the deposing of such *Princes*, is lesser then



then the *murthering* of the, but seeing that it is affirmed, that such *Princes* may be *deposed* or *murthered*, it is manifest, that the Coniunction [*or*] can not signifie at least *wise*, because if the Doctrine of *deposing* such *Princes* may be abiured as *hereticall*, much more and not much lesse the Doctrine of *murthering* them may bee abiured as *hereticall*.

9. And by this it is apparant, that to abiure as *hereticall* this Doctrine, & conditionall disiunctiue position, *That Princes which be excommunicated or de-  
prined by the Pope, may be deposed or  
murthered by their subiects, or any other  
whatsoever*; it sufficeth by force and  
vertue of the words, onely to abiure  
as *hereticall* the Doctrine of *murthe-  
ring* such *Princes*, although, by reason  
of the matter, it be lawfull (as you shal  
see forthwith) to abiure as *hereticall*  
not onely the Doctrine of *murthering*,  
but also of *deposing* such *Princes*.

10. That the Doctrine of *murthe-  
ring* such *Princes* is *hereticall*, or, which  
is all one, contayneth in it a manifest  
*falsehood*, which is repugnant to the

*Word of God*, it is euident by those two places of holy *Scripture* cited by *Widdrington*, *Thou shalt not kill*, Exod. 20. which words are generall and common to euerie vniust killing, and *Kill him not*, for *who shall extend his hand vpon the Lords annoynted, and bee innocent*, 1. Reg. 26. Which wordes are proper and peculiar to the *mur-thering* of Princes. Neyther doth the *excommunicating*, or *depriving* of Princes by the *Pope*, which are added in this Doctrin and position, giue sufficient warrant to *murther* such Princes, although wee should admit that the *Pope* hath authoritie to depriue them; for that *Excommunication* depriueth onely of spirituall graces, and *deprivation* onely of temporall Kingdomes, but neyther of them of corporall life, as *Suarez* also confesseth. Yea we may truely abiure as manifestly false, damnable, and repugnant to those words of holy Scriptures, *Thou shalt not kill*, and consequently as hereticall, this Doctrin and position, *That it is lawfull for euery man to kill a malefactor, who is condemned by the Iudge*

*Suarez in de-  
fens. &c. lib. 6.  
cap. 4. nu. 10.  
& seq.*

to dye, for that the sentence of death denounced against him by the Iudge doth not giue leaue, licence, warrant, and commission to euerie man to put him to death, but onely to the *Sheriff*, or others, who are appoynted *Executioners* of iustice in that case.

II. That the Doctrine also of *deposing* such Princes is *hereticall*, and contayneth a *manifest* falshood repugnant to the Word of God, it is euident; for that to take away by force and violence the Crowne and Kingdome of a *Prince* who is in possession thereof, only vpon a probable or controuersed title, is open iniustice, as you haue seene before in the *fift Observation*; and consequently *Theft* and *Rapine* in a most high degree, and therefore repugnant both to that precept of the Decalogue, *Thou shalt not steale*, and to the *third* Commandement, *Honour thy Father and Mother*, wherein the honour and reuerence, which is due from subiects to their *Prince*, who is the *Father* of the Countrie, is according to the doctrine of all

*Matth. 22.*

Diuines included, and it is also specially against that commaundement of our Sauour, *Render to Caesar the things that are Caesars*, which precept includeth also the *negative*, not to take away from Caesar that which is his due, as contrariwise that precept, *Thou shalt not steale*, includeth also the *affirmative*, to render and restore backe what hath beene wrongfully taken away. Wherefore there is no more scruple to be made, to abiure the aforesaid Doctrine and position as impious, damnable, and *heretical*, then to abiure it as *manifestly false* and *inimious* to Princes, seeing that the *manifest falshood* and *iniustice* containd therein, is expresly repugnant to the word and commaundement of God revealed to vs in the holy Scriptures: and it is also groundd vpon these two manifest principles, and which without manifest impudency cannot be denyed by any man; The *one*, that it is a contouersie among Catholicks, whether the *Pope* hath authoritie to depriue *Princes*, & the *other*, that it is open iniustice to depose, or to thrust  
 one



one out of his possession vpon a title, which is not most certaine but in controuerſie.

12. *Laſtly*, I wiſh the Reader to conſider the *third* and laſt expoſition of this *Branch*, which *Widdrington* brought in his *Theologicall Diſputation*, and defendeth at large in, his *Anſwere to Fitz-herberts Reply* againſt the ſame, to wit, that albeit in regard of the *matter*, wee may lawfully abiure for heretical, the doctrine not only of *murthering*, but alſo of *depoſing* Princes, which bee excommunicated or deprived by the Pope, yet, by force and vertue of the wordes, wee are not bound to abiure either the doctrine of *depoſing*, or alſo of *murthering* ſuch Princes, for hereticall, but only as hereticall, that is, for a very falſe and iniurious doctrine in the higheſt degree almoſt of falſhood and iniuſtice, and which therefore in regard of the abhorring, deteſting, and abiuring thereof, hath ſome reſemblance and ſimilitude with hereticall doctrine, although we take the word *hereticall* in the moſt

strict and rigorous sense that may be. And the reason is, for that the Aduerbe [*as*] being an Aduerbe of similitude, doth properly and vsually by *force* and *vertue* of the word denote only a similitude, and if at any time it signifie an identitie, equalitie, or realtie, as (sometimes it doth, but most commonly it doth not) it is not by force of the word, but only in regard of the matter, to which it is applied. And this *Explication* will serue very well to conuince the wilfulnesse of him, who out of his hatred to this Oath, will contrarie to all reason, and the rules before assigned out of *Smarez*, needes haue the word *hereticall* to bee taken only for that, which the definition of the Church maketh *hereticall*, and which before was not *hereticall*, although it was most euidently false, and repugnant to the holy Scriptures, and the word *impious* only for that, which is against pietie, which is due to God or carnall Parents, albeit otherwise it bee neuer so wicked and iniurious to *Princes* who are the Fathers of the Coun-

Countrie. For we may verie well answer him, that the Aduerbe *as* being an Aduerbe of similitude, and by force of the *word*, and, according to the plaine and common sense and vnderstanding of the same, signifying only a similitude, & not a reality, but in regard of the matter to which it is referred, doth in this *Branch* denote only a *similitude* of that strict and rigorous *Heresie* and *Impietie*, because the matter, to which it is applyed, will not suffer it to signifie a doctrine *impious* and *hereticall* in that strict and rigorous manner, but only by way of comparison and similitude: and then the sense and meaning of this *Branch* is, that I doe abhorre, detest, and abiure that doctrine and position as *impious* and *hereticall*, that is, in a most high degree of horror and detestation, and not much vlike to the detesting of that doctrine, which is *impious* and *hereticall*, in that ouermuch strict and rigorous manner. Neuerthelesse this *Explication*, as hath beene shewed aboue, is not necessary, but only for such wilfull persons, as do

*The Fift Branch of the Oath.*

seeke to expound the wordes of the *Oath* in the most odious sense, contrarie to the plaine and common vnderstanding of them, and the true meaning of the Law-maker.

## CHAP. V.

*The Fift Branch of the Oath, and an Explication thereof.*

**A**ND I doe beleene, and in conscience am resolved, that neither the Pope nor any person whatsoever hath power to absolve me of this Oath, or any part thereof.

1. This *Clause* hath in it no more difficultie, then is in the former, seeing that it implieth, supposeth, and is grounded vpon the iustice and veritie of the *Third* and *Second* Branch. *First*, therefore by those wordes. [*And I doe beleene*] is not vnderstood a *supernaturall* beleefe, but only a morall credulitie, as the next wordes [*and in conscience am resolved*] which are an explication of the former, doe sufficiently declare: and the sense of them is, that I doe thinke and am per-



perswaded in my conscience, that *neither the Pope, &c.* For it cannot with any reason be imagined, that the words which are last added, must diminish, but rather increase, or at least wise more fully declare the truth and veritie of the former wordes: As for example, it were vnaptly spoken to say, that *such a one is a man*, and also *a living creature*; Princes *may be murdered*, and also *deposed by the Pope*: *I doe most certainly beleene so*, and also *I doe thinke or am perswaded so*.

2. Secondly, the meaning of this *Clause* is not to deny the *Popes* power to *absolve*, or dispence in Oaths in generall, but only *in this Oath*, or any part thereof, as the expresse wordes doe plainly signifie; neither doth it follow, that because the *Pope* cannot dispence in this Oath, therefore hee cannot in other Oaths, wherein there is not the like reason as of this, or that because hee can dispence in other Oaths, wherein there is not the like reason, therefore hee can dispence in this.

3. Thirdly, neither is it the meaning

*The Fifth Branch of the Oath.*

ning of this *Clause*, that if perchance any one should offend God by taking this Oath against his conscience, thinking it to be vnlawfull, the *Pope* hath not power to absolue him in the Sacrament of Penance from the guilt of sinne thereby committed, but only the meaning is, that *the Pope hath not power to absolue or dispence, with any man in this Oath, or any part thereof, that is, to free, release, and discharge him from performing any of those things, which in this Oath hee hath promised to performe, or, which is all one, to giue him leaue or licence to do against that, which in this Oath hee hath promised to doe, or not to doe. For all the parts and parcels of this Oath are either assertorie, as that Our Soueraigne Lord King Iames is lawfull and rightfull King of this Realme, &c. and that the Pope hath not any power or authoritie to depose him, &c. or to authorize any forraigne Prince to invade or annoy Him or His Countries, or to discharge any of His subiects of their Allegiance, &c. and that from my heart I doe abhorre, detest, and abisre*

## The Fifth Branch of the Oath.

III

as impious and hereticall, &c. and no  
*assertorie Oaths* can bee dispenced So S. Thom. 2. 2.  
q. 89. ar. 9. and  
all other Di-  
uines.  
withall, neither hath the Pope any  
power or authoritie, according to the  
receiued doctrine of all Diuines, to  
absolue any man from the bond of  
these kind of Oaths; And the reason  
is, because the matter of an *assertorie*  
*Oath* being of an act present or past,  
is now made altogether necessarie  
and irreuocable, for that as soone as  
euer the Oath is made, it is either true  
or false by reason of the truth or fals-  
hood of the act which now is past.  
Wherefore seeing that it is impossi-  
ble, that the act which is past, be not  
past, so also it is impossible, that the  
Popes Dispensation or Absolution can  
alter it or recall it: for it is impossible,  
that the act of swearing, which is  
now, or hath beene true, be not now,  
or hath not beene true: Or else they  
are *promissorie*, to wit, wherein some  
thing is promised for the future time  
to bee done, or not to be done. And  
only these kinde of Oathes can bee  
dispenced withall. For as well saith S. Thom. 2. 2. q.  
89. ar. 7.  
Saint Thomas, with whome all other

Di-

*The Fifth Branch of the Oath.*

Diuines doe herein agree, the bond of an Oath is referred to some thing which is to bee performed or omitted, wherefore it doth not appertayne to an assertorie Oath which is of a thing present or past, but only to a promissorie Oath.

4. Now in this Oath of Allegiance only three things are promised by the swearer, all which are contained in the third Branch; to wit, that notwithstanding any declaration or sentence of Excommunication or deprivation made or to bee made against the Kings Maiestie, his Heires or Successors, First, he will beare faith, and true allegiance to his Maiestie, his Heires and Successors: Secondly, hee will defend them to the uttermost of his power against all Conspiracies &c. and Thirdly, he wil make known unto them all Treasons & trayterous Conspiracies, which hee shall know or heare of to bee made against any of them. Wherefore there is no more difficultie in this Clause, then is in the third, whereon this Clause is chiefly grounded. And therefore it is most euident, that the

Pope



*Pope hath no more authoritie to Absolve, or dispence in any of these three things, which the swearer promisseth, then hee hath authoritie to depose the King, and to make him no King: for that it is most certaine, as Cardinall Bellarmine him selfe confesseth, that Subiects are bound by the Law of God* Bell. in Tract. 10 beare faith and true Allegiance *contra Barclai. cap. 21. pag. 202.* (which includeth the resisting and disclosing of all Treasons and Traiterous Conspiracies) to their lawfull Prince, so long as he remaineth Prince: seeing that it is euident, as well obserueth Suarez, that the obligation of obedience in any degree or state whatsoever doth so long endure in the subiect, as the dignitie, or power and iurisdiction doth endure in the Superiour, for these are correlatiues, and the one dependeth on the other. Therefore it is manifest, that the Pope hath no more authoritie to *absolve*, or dispense in this Oath, or any part thereof, to wit, in those three things before mentioned, then hee hath to make Kings no Kings, and to depriue them of their Regall dignitie, power, and iurisdiction.

5. *Fourthly*, neither is it the meaning of this *Clause*, that the *Pope* hath not any power to *absolve* the swearer from the promise which hee maketh to performe those *three* things mentioned in the *third* Branch, only with this reduplication, as it is sworne or confirmed by Oath, or, which is all one, only from the sacred and religious bond of the Oath; but the meaning is, that the *Pope* hath not *authoritie to absolve from this Oath or any part thereof*, for as much it concerneth the ciuill and naturall obligation of temporall Allegiance; both for that, when it is said that the *Pope* hath authoritie to absolve one from an Oath, which he hath made to doe some certaine thing, the meaning is, (according to the plaine and proper signification of the words, the common Doctrine of all Diuines, and the vsuall practices of *Popes*, who when they absolve from any Oath, they absolve from all obligation whatsoever contained therein) that the *Pope*, hath authoritie to release him of that promise, and to giue him

See the *Ca-*  
*nons Nos San-*  
*ctorum, Iuratos,*  
*Absolutos.*

him leaue to doe otherwise then hee hath promised by Oath to doe : And also for that his *Maiestie* and the State , according to whose meaning especially the doubtfull words of this Oath are to bee vnderstood and determined , doe little regard this subtile quicke of refined wits, whether the *Pope* hath power to absolue his *Maiesties* subiects from the sacred and religious bond of their naturall Allegiance, or, which is all one, only as it is sworne, or confirmed by Oath , so that notwithstanding the releasing of this sacred bond , they may bee assured , that the ciuill and naturall obligation of the subiects temporall Allegiance , to the confirmation whereof this *Oath* is superadded, doth remaine inuiolable , and indispensable , and by the *Popes* authoritie cannot any way be dissolued or diminished, but that his *Subiects*, although they might by the *Popes* authoritie bee absolued from the sacred bond of their Allegiance as it is confirmed by Oath, are neuerthelesse by the Law of God and Nature obliged

ged to beare faith and true Allegiance to his *Maiestie*, and that therein the *Pope* hath no authoritie to dispense.

6. And although wee should for Disputation sake admit, that it were the meaning of this Clause, that the *Pope* hath no authoritie to absolve the swearer so much as from the *Sacred* bond of this Oath, or any part thereof, or, which is all one, from any of these *three* things promised in the *third* Branch, only with this reduplication as they are sworne, or confirmed by Oath (of which nice subtiltie his *Maiestie* and the *Parliament* by all likelihood little dreamed) yet any man may with great reason thinke, and in conscience be resolved, that the *Pope* hath no such authoritie: for that, according to the common doctrine of Diuines, the *Pope* hath not power to absolve from *Oaths*, when the absolving from them tendeth to the temporall prejudice of a *third* person, vellese either directly or indirectly hee hath power to dispose of the temporall goods of that person.



son. For hee hath not power, saith  
Sotus, Aragona, and Sayrus to release  
an Oath which one hath made to ano-  
ther man to pay him that debt which  
he oweth him, because he hath not pow-  
er to take from another man that which  
is his owne, and therefore he can not  
doe him wrong in releasing the Oath  
which was made unto him. Wherefore  
this difference is betweene Vowes and  
Oaths, that in changing and dispencing  
of Vowes that only must be regarded  
which is more pleasing to God, but in  
releasing of Oaths great caution must  
be used, that no wrong be done to a third  
person.

Scorus lib.8.  
de Instit. q.1.  
art.9.  
Aragona 2.2.  
q.89. art.9.  
Sayrus lib.5.  
Theauri cap.8.  
num.4.

7. And this is farre more euident  
in the doctrine of Saint Thomas, S.Thom. 2.2.  
whom the greatest part of Diuines qu.89.art.9.  
doe herein follow, who houldeth,  
that the Pope cannot dispence in  
Oaths by releasing directly the sa-  
cred obligation of the Oath, for that  
this obligation is *de iure natura*,  
wherein the Pope cannot dispence,  
but only by declaring, that the thing  
promised by Oath, which before  
was a fit thing to bee sworne, and

therefore by vertue of the Oath to be performed, so long as it remayneth so, is now, by reason of some particular accident or circumstance, become vnlawfull, hurtfull, or an hinderance of greater good, and therefore now no fit matter to be sworne, nor by vertue of the Oath to be now any longer performed. From whence it plainly followeth, that the *Pope* cannot absolue from this *Oath* of Allegiance, vnlesse hee hath power to declare, that temporall Allegiance, which Subiects by the Law of *God*, and *Nature* owe to their lawfull Prince so long as he remaineth Prince, be vnlawfull, hurtfull, or an hinderance of greater good, which he cannot in any wise declare, vnlesse hee hath power to make a King no King. For consequently hee should also declare, that *God* and *Nature* commanding Subiects to beare true faith and Allegiance to their lawfull Prince, should enioyne them an vnlawfull or hurtfull thing, or which is an hinderance of greater good, which is impossible. And so in this Clause there is

is no more difficultie concerning this point of the *Popes* authoritie not to absolute from this *Oath* of Allegiance, or any part thereof, then is in the former clauses, wherein the *Popes* authoritie to *depose* Kings, and to *absolute* Subiects from their naturall allegiance, is denied.

8. *Lastly*, by those words [*nor any person whatsoever*] is not vnderstood the *Kings Maiestie*: Both for that in the Lawes of this Realme the *Kings Maiestie* is not vnderstood by the name of *person*, or persons, when the matter is odious: & also, as in no penal law the *Prince* or *Law-maker* himselfe is included vnder any generall word, because he is not subiect to such laws, according to that principle of the law, *Princeps legibus solutus est*, *The Prince* Leg Princeps.  
ff. de Legibus. *is free from lawes*: so also when it is said in the Law, that no *person whatsoever* hath power to dispence in that law, or to change or alter that Law, the *Law-maker* himselfe, who is aboue the Law, is not comprehended vnder those generall words; yea and, as well obserueth *Salas* and *Sa*, both *Ic-*  
I 2 suites,

Salas disp. 21.  
de Legibus sec.  
3. regula 22. &  
Emanuel Sa  
verbo Interpre-  
tatio. nu. 14.

*suites, In a generall speech the person who speaketh is understood to bee excepted.*

9. And although we should admit, that the Kings *Maiestie* were included in those wordes [*nor any person whatsoever*] yet this clause would nevertheless be very true: And the reason is, for that albeit his *Maiestie* hath power to dispence with his subjects, that they shall not take this *Oath*, which is not the meaning of this *Clause*, yet he hath not power to absolue them from this *Oath*, or any part thereof after they haue once taken it, which is the true sense & meaning of this Branch. First, for that to *dispence* or *absolue* from Oaths (taking those words [*to dispence* or *absolue*] according to their proper signification, and as they are taken commonly by Diuines) doth belong onely to spirituall and not to temporall power. Wherefore the Diuines make a great difference betweene *absolving* or *dispencing* in Oathes or Vowes, and *releasing* or *annulling* the same; and they affirme, that to *release* or *annull*  
an



an Oath or Vow, a temporall power, yea and sometimes priuate authoritie may suffice, as Parents may release and annull the oathes and vowes of their children; but to *absolue* or *dispen*ce in an Oath or Vow, a spirituall authoritie and iurisdiction is necessarily required. But *secondly*, and *principally*, for that his *Maiestie* hath not power to release his subiects from their temporall and naturall allegiance, vnlesse he will cease to be their Prince, because temporall allegiance is by the law of God and Nature due to him from his *Subiects*, so long as he remayneth their Prince; and therefore he cannot absolue, discharge, or release them from the Obligation of this Oath or any part thereof; or, which is all one, he cannot giue them *leau*e, not to beare faith and true allegiance to his Maiestie, and consequently not to defend him to the uttermost of their power against all Treasons and trayterous conspiracies, which shall be made against his Royall person, Crowne and dignitie, and not to doe their best endeavor to disclose, and make them knowne

*The Fift Branch of the Oath.*

*unto his Maiestie*, seeing that to per-  
forme all these things Subiects are  
bound by the law of God and Nature,  
wherein no temporall or spirituall au-  
thoritie can dispence. And therefore  
the *Authour* of the *Protestants Apolo-*  
*gie for the Roman Church*, trac. 3. Sec.  
5. doth very well affirme, that all Ca-  
tholikes are by all Lawes, Divine and  
Humane, indissolubly obliged in the  
highest degree of all earthly Allegiance  
to his Maiestie that now is, as to their  
true, undoubted, lawfull Soueraigne  
liege Lord and King.

## C H A P. VI.

*The Sixt Branch of the Oath,*  
and an *Explication* of  
the same.

**VV** *Hich Oath I acknowledge by  
good and full authoritie to bee  
lawfully ministred unto mee: and doe re-  
nounce all pardons and dispensations to  
the contrarie.*

I. This Branch containeth in it no  
difficultie at all, if wee consider what  
hath

hath beene said before ; to wit, that in this *Oath* is onely demanded a sincere profession of true temporall allegiance, and that no authoritie or obedience, which is due to the *Pope*, is denied therein : And that to treat of the *Popes* authoritie, not *affirmatiuely* what power he hath, but *affirmatiuely* what authoritie in temporalls the *Kings Maiestie* hath ouer his Kingdome and Subiects ; and consequently what authoritie in temporalls the *Pope* hath not ouer the said kingdome and subiects : and also, that to exact of Subiects an *Oath* not onely of their temporall allegiance in *generall*, but also of such allegiance in *particular*, which his *Maiestie* and the *State* shall for prudent reasons & motiues thinke to be necessarie for the preservation of the Kingdome from future Treasons, Inuasions, or Perturbations, so that it bee containd within the bounds of true temporall allegiance, doth no way exceede the limits of temporall authoritie.

2. *First* therefore by those words [*good and full authoritie*] is not vnder-

stood any authoritie of the *Kings Maieſtie* in *Eccleſiaſticall* cauſes, but onely in *temporall* matters, as is the miniſtring of an Oath of true temporall allegiance. For although his *Maieſty* be perſwaded, that hee hath full and ſupreme authoritie not onely in *temporall*, but alſo in *Eccleſiaſtical* affaires, for externall gouernement; and that the *Pope* hath not ouer him or his Subiects within this Realme, any authoritie or iuriſdiction, nor power to *excommunicate* his *Maieſtie*, yet his meaning is not to meddle at all in this Oath eyther with his owne, or with the *Popes Eccleſiaſticall Supremacie*, but onely with his owne *temporall Soueraigntie*, and conſequently with the *Popes authoritie* not to *depoſe* him, or to *diſpoſe* of his Kingdome, or to *authorize* any forraigne Prince to inuade or annoy him, or to *abſolue* his Subiects from their obedience, &c. And therefore, as I obſerued before in the *third* obſeruation, wee muſt diſtinguiſh betwixt his *Maieſties* vnderſtanding or perſwaſion, and his meaning or intention : for his meaning was



was not to exact *in this Oath* of His Subiects all which hee is perswaded he might lawfully exact of them, but only to demand of them *in this Oath* a profession of that temporall Allegiance, which all Subiects are bound by the Law of God to giue to their lawfull Soueraigne, as it is manifest by the declaration both of His *Maiestie* and also of the *Parliament* : and therefore Hee was carefull not to meddle with the *Popes* authority to *excommunicate* Him,

3. *Secondly*, it is certaine, that albeit Christian *Princes* haue not authoritie to define and determine what position is *hereticall*, or to punish Heretikes with spirituall punishments (for these are meere spirituall things) yet they haue authoritie to command their subiects to abiure such positions as are already defined, or knowne to bee manifestly false and repugnant to the holy Scriptures, for such: and to punish with temporall punishments the obstinate maintayners of the same, especially as the mayntayning of such positions is hurtfull to the pub-

*Victoria Relect.*

*1. de potest. Ec-  
cles. sec. 7. §. o-  
ctaua propo-  
sicio.*

*Parisiensis de  
potest. Reg. &*

*Pap. cap. 11. ad  
37.*

*Couerruu. cap.*

*35. Practic.  
question.*

*Bannes 2. 2. q.*

*11. ar. q. 1.*

*Sotus in 4. dist.*

*29. q. 1. ar. 4.*

publike temporall peace, whereof the *King* hath charge: and who therefore may also by the materiall Sword repell the wrongs and iniuries offered to the temporall Kingdome or Common-wealth by Clergie-men, and also the abuses of the spirituall Sword, when they tend to the hurt of the ciuill Common-wealth, as *Franciscus Victoria*, *Ioannes Parisiensis*, and *Couerruuias* doe well obserue. Wherefore a *King*, saith *Dominicus Bannes*, doth punish Heretikes as most seditious Enemies to the peace of His Kingdome, which cannot be preserued without vnitie of Religion. And Marriage, saith *Dominicus Sotus*, being a Sacrament in such sort, that it is also a ciuill contract, it nothing letteth, but that as in the former respect it belongeth to the Ecclesiasticall Court, so in regard of the later it is subiect also in some sort to the Ciuill. Not that Princes can alter those things which are of the substance of Matrimonie, but that they may punish them, who contract Matrimonie, when by contracting they shall offend against the publike peace: for against those

those crimes, whose iudgement doth belong to the Ecclesiasticall Court, they may also ordayne punishments, as they disturbe the peace of the Common-wealth. Which doctrine of *Sotus* may in the very like manner bee applied to *Heresie*, which being a spirituall offence in such sort, that also it disturbeth the temporall peace of the Common-wealth, it nothing letteth, but that as in the former respect it belongeth to the Ecclesiasticall Court, so in regard of the later it is subiect also in some sort to the Ciuill; not that Princes can determine and define what is *Heresie*, but that they may punish *Heretikes*, when by defending hereticall positions, they shall offend against the publike good. For against those crimes, whose iudgement doth belong to the Ecclesiasticall Court, they may also ordayne punishments, as they disturbe the peace of the Common-wealth. And therefore Christian Princes haue good and full power to compell their Subiects to abiure impious, damnable, and hereticall positions for such, when it is necessarie to the preservation of the pub-

*The Sixt Branch of the Oath.*

publike temporall peace, and to discover how their Subiects stand affected in point of their Loyaltie and due Obedience.

4. *Thirdly*, it is euident, that *Clergie-men* being truely subiect to *temporall Princes*, in regard of their naturall birth, and of their living in Ciuill Societie with others, and consequently bound, according to the common doctrine of *Diuines*, to obserue their inst Lawes not only *vi rationis*, but also *vi legis*, by force of the *Law*, doe owe true Allegiance to their naturall Prince, no lesse then *Lay men*, and that therefore hee may lawfully demand of them, as they are Subiects, an Oath of their Allegiance, whensoever hee shall iustly suspect their fidelitie. And although some *Clergie-men* should bee so capricious, as to imagine, contrarie to the practice of the Primitiue Church, the doctrine of the Ancient Fathers, and manifest reason, that they are not subiect at all to the authoritie of temporall Princes, and thereupon should make a scruple to take this *Oath* as  
lawfully



*lawfully ministred to them by good and full authoritie*, yet this could not bee a sufficient prooffe, that the *Oath* is vnlawfull in it selfe, or that *Lay-men* cannot lawfully take it, and also acknowledge, that it is lawfully ministred vnto them by good and full authoritie.

5. *Lastly*, in those words [*And I doe renounce all Pardons and Dispensations to the contrarie*] is not implied a renouncing in generall of the *Popes* authoritie to giue Pardons and Dispensations, but, as the wordes doe plainly signifie, in them is only containd a denyall of the *Popes* authoritie to dispence with the Swearer, or to giue him leaue and license to doe contrarie to that which hee hath promised in this Oath. Wherefore the veritie of these last wordes is chiefly grounded vpon the lawfulnessse of the *Fift* Branch. For if the *Pope* hath no power and authoritie to absolue the Swearer from any part of this Oath, because those *three* things before mentioned, which he promiseth to performe, he is bound by the Law  
of

*The Seventh Branch of the Oath.*

of God and Nature to performe, and that therein no authoritie of *Pope* or *Prince* can dispence, it is manifest, that hee may lawfully renounce all Pardons and Dispensations to the contrarie.

## CHAP. VII.

*The Seventh Branch of the Oath, and an Explication thereof.*

“ **A**ND all these things I do plain-  
 “ ly and sincerely acknowledge  
 “ and sweare according to these ex-  
 “ presse words by me spoken, and accor-  
 “ ding to the plaine and common sense,  
 “ & understanding of the same words  
 “ without any equivocation, or mentall  
 “ evasion, or secret reservation whatsoe-  
 “ ver.

1. This Branch is greatly to bee regarded, for that it expressly declareth, in what sense the Swearer is bound to take all the parts and parcels of this Oath. And first, by those first words *And all these things I doe plainly and sincerely acknowledge and sweare,*

*swear, &c.] it is manifest, that the immediate obiect of all this Oath and euery part therof, or, which is all one, that which in all the former Branches I doe directly and immediatly swear, is my plaine and sincere acknowledgement, to wit, that our Soueraigne Lord King Iames is the lawfull and rightfull King of this Realme, &c. and that the Pope hath not any power or authoritie to depose him, &c. and that I will beare Faith & true Allegiance to His Maiestie, &c. and that from my heart I doe abhorre, detest and abiure as impious and hereticall, &c. and that I doe belecue and in conscience am resolued, &c. and that it is lawfully ministred vnto me by good and full authoritie, and that I doe renounce all Pardons and Dispensations to the contrarie. Whereupon the Oath concludeth thus : And I doe make this recognition and acknowledgement heartily, willingly and truly upon the true faith of a Christian. So that the plaine and proper meaning of this Branch is, that whatsoever I doe swear in this Oath, I doe swear plainly*

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plainly and sincerely according to these expresse words, &c.

2. *Secondly*, the meaning of those words [*without any equiuocation, &c.*] is not, that there is not to be found in this Oath any equiuocall wordes, and which may not haue two proper and vsuall significations, especially, if they be taken barely and by themselves alone (for if wee consider them as they be ioined with other words and make a full and perfect sentence, and doe also duly regard the intention of the Law-maker with the other obseruations before set downe, we shall hardly find any one sentence in this Oath so equiuocall or ambiguous, that according to the common vnderstanding of men it hath two senses, equally common, which is properly to bee equiuocal.) But the plaine and proper meaning of those words is, that the Swearer must not in this *Oath* equiuocate, or vse any equiuocation, mental euasion, or secret reseruatiow whatsoever, but that he must deale plainly and sincerely according to the minde and intention of the Law-maker. For  
it



it is one thing to *vse equiuocall words*, and an other thing to equiuocate, or to *vse equiuocation*, because one may vse equiuocal words, and not deceiue or delude the hearer, for that hee vseth the words in that sense, wherein the hearer vnderstandeth them. But to *equiuocate* implyeth a fraudulent, deceitfull, and vn sincere dealing by vsing the words in an other sense, then the hearer vnderstandeth them.

3. Wherefore the plaine meaning of this *Branch* is, that albeit in this Oath there might bee found diuerse common senses of the same wordes, yet the Swearer must not *equiuocate*, but hee must take the wordes in that sense, wherein the Law-maker vnderstandeth them, with whome hee is bonnd, by vertue of this *Branch*, to deale plainly, sincerely, without any guile, fraude, deceit, euasion, or secret reseruatiō whatsoeuer. But if perchance there should any difficulty arise concerning any ambiguous word, or sentence containd in this Oath, and the will, meaning, and intention of the Law-maker could not

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be

bee knowne, then wee must vse those rules, which, according to the appro-  
ued doctrine of all Diuines and Law-  
yers, wee haue aboue set downe for  
the interpreting of doubtfull and am-  
biguous speeches in any Law. And  
namely among the rest, that in penall  
Lawes and odious matters the mil-  
der and more fauourable sense, and  
which contayneth in it no absurditie,  
is to be chosen.

4 Seeing therefore that, according  
to the doctrine of all Diuines, it is not  
lawfull to *equivocate*, or to *vse equi-  
vocation*, but we must answere plain-  
ly and sincerely according to the mea-  
ning and intention of the Iudge, when  
hee proceedeth iuridically, and de-  
mandeth no vniust and vnlawfull  
thing, but which hee hath authoritie  
to demand, it is manifest, that the ve-  
ritie of this *Branch* dependeth whol-  
ly vpon the lawfulnessse of the Oath,  
and vpon the authoritie of the ma-  
ker thereof, and that consequently  
there is no difficultie in this Clause,  
supposing the lawfulnessse of the for-  
mer Clauses, and that this Oath is

## *The Eight Branch of the Oath.*

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*lawfully ministred by good and full authoritie.*

### CHAP. VIII.

## *The Eight and last Branch of the Oath.*

“ **A**Nd I doe make this recognition  
“ and acknowledgement heartily,  
“ willingly, and truely, vpon the true  
“ faith of a Christian. So helpe mee  
“ God.

1. The lawfulnessse of this *Branch* dependeth wholly vpon the veritie and iustice of the former *Clauses*, and will cleerely appeare, if wee suppose, as hath beene shewed before, that this *Oath* of Allegiance contayneth in it no falshood or iniustice, and that it is ministred vnder great penalties by lawfull authoritie, to make a triall how his *Maiesties* subiects stand affected in point of their loyaltie and due obedience. For as *Vasquez* obserueth very well out of *Aristotle*, *Disp.* 51. *cap.* 3. with whom all Diuines and Philosophers do herein agree, to make an act of vertue to bee morally good and

*Vasquez* 1. 2.

*Disp.* 51. *cap.* 3.

*& disp.* 73. *cap.*

7. *& disp.* 86.

*cap.* 5.

Aristot. 2. E-  
thic. cap. 4.

vertuous, it is not only required, that it haue a good and vertuous obiect, but also it must bee done directly for the goodnesse and honestie of the vertue it selfe, and not for any other end or motiue. For othetwise if one doe acts of vertue, as of iustice, or temperance, not for iustice or temperance sake, but for some other end, as for lucre, vaine glorie, feare of punishment, or any other motiue whatsoeuer, *he shall doe, saith Aristotle, iust or temperate actions, but hee shall not doe them iustly or temperately, neither shall hee for doing those actions be accounted a iust or temperate man.* Seeing therefore that euery iust and vertuous man ought to obserue iust Lawes, not for feare of punishment as the wicked do, but heartily, willingly, and truly, that is, sincerely, and unfainedly, for the loue of vertue, it is euident, that euery good and well affected subiect may and ought to take this Oath of Allegiance, supposing it to be lawfull and ministred by good and full authoritie, not for feare of punishment, as likewise we ought to ob-



obserue God his commandements, not for feare of eternall damnation, but heartily, willingly, and vnfainedly, for the loue of vertue and obedience. Wherefore it is manifest, that euery good and vertuous Subiect ought to haue a farre greater willingness in obseruing iust Lawes, although they be imposed vnder paine of death, then hath a Merchant being in danger of drowning, to cast ouer board his goods for sauing his life: for that a Merchant in that case is only willing to lose his goods, for that otherwise hee cannot escape the danger of his life, but euery vertuous man ought to obserue iust Lawes heartily, willingly, and vnfainedly, for vertue and obedience sake, although hee were in no danger of being pnnished for not obseruing the same.

2. And thus thou seest *good Reader*, that this *new Oath of Allegiance* doth not want either *Veritie, Iustice* or *Iudgement*, as well in regard of the takers, as of the makers & propounders of the same: That the State,

*The Eight Branch of the Oath.*

supposing that horrible *Powder Treason*, which was grounded vpon colour and pretence of the *Popes* authoritie to take away the Crownes and liues of *Princes* in order to spirituall good, had iust cause to deuise a *new Oath* of Allegiance, wherein mention should bee made of the aforesaid authoritie, to make a true difference, betwixt ciuilly obedient Subiects, and the peruerse disciples of those *Powder Traitors*, it is euident by that which hath beene said before in the fourth obseruation: and that therefore the *State* in deuising and propounding such an Oath did not want *Iudgement*. Also that the Subiect hath iust cause to take the Oath, supposing it to bee lawfull and ministred by good and full authoritie, and that consequently in taking it, after he hath examined and scene the lawfulnessse thereof, doth not want *Iudgement*, it is as euident, as that there is no want of *Iudgement* to obserue the iust commandement of his Lawfull Superiour, when after due examination he findeth the commandement to bee iust.

iust. And finally, that no *assertorie* Clause of the Oath wanteth *Veritie*, nor any *Promissorie* Clause wanteth *Iustice*, or, which is all one, that no falshood or iniustice is to bee found in any part or parcell of the Oath, it is manifest by the former Explication of euery *Branch* in particular.

CHAP. IX.

*An Answere to the Popes  
Breues.*

1. **T**Here remaineth only one difficultie to be explained concerning the *Popes Breues*, which forbid English Catholikes to take this new Oath *for that it containeth many things which are plainly against faith and saluation*. And although *Widdrington* both in his *Theological Disputation*, and also more fully in his *Answere to Fitz-herberts Reply* hath cleared this difficultie, yet I thinke it not amisse briefly to set downe some generall heads of his answere to the said *Breues*, whereby any iudicious man may haue sufficient grounds to

*Widdrington*  
in his *Disput.*  
*Theolog. cap. 10.*  
*sec. 2. and in his*  
*Answere to*  
*Fitzherb. part.*  
*3. cap. 7.*

iudge not only how farre the *Popes* aforesaid *Breues*, but also all other of the like kind may without any irreuerence or disobedience to the *Sea Apostolike* be contradicted, or not admitted by good and vertuous Catholics.

2. *First* therefore, *Widdrington* sheweth out of the approued Doctrine of *Suarez* and other Diuines, that there bee two sorts of Lawes or Precepts, the *one* are called *Constitutine*, for that they doe not suppose, but make the thing, which they forbid, to be vnlawfull, which, if that Precept were not, would be lawfull, as the Precept of the Church to fast from Flesh in Lent, to abstaine from seruile works vpon commanded Holy-daies, to receiue the Blessed Sacrament at Easter, or the like: And that no *Constitutine* Precept of the Church doth binde, when by obseruing it there is danger to incurre some notable corporall or temporall hurt. The *other* are called *Declaratine*, for that they doe not make, but suppose and declare the thing to bee vnlawfull which



which they forbid, as being forbidden by some former Law; as the forbidding of Theft, Murder, Whoredome, Vsurie, and such like, for that they are before forbidden by the Law of God and Nature: And that the obligation of *Declarative* Precepts doth only depend vpon the reason and former Law, which in the *Declarative* Precept is supposed and declared: So that if there bee no such former Law or prohibition, as in the *Declarative* Precept is supposed and declared, the *Declarative* Precept hath no force to bind.

3. *Secondly*, he sheweth, that the *Popes Breues* forbidding English Catholikes to take the Oath, doe not containe a *Constitutive*, but only a *Declarative* Precept, neither do they make, but suppose and declare the Oath to be vnlawfull, for that, say the *Breues*, it containeth in it many things, which are manifestly against faith and saluation; and that consequently, if in the Oath there be nothing against faith or saluation, as the *Breues* suppose and declare, it is manifest,

nifest, that the *Breues* haue no force at all to bind English Catholickes not to take the Oath, for that they are grounded vpon a false reason, supposition, and declaration.

4. *Thirdly*, he sheweth that all *declaratiue Breues* are eyther *definitive*, or grounded vpon some former definition, of *Pope* or *Councell*, or else they are onely *opinative*, or grounded vpon the *Popes* opinatiue iudgement, perswasion, or probable opinion: And that if they bee grounded vpon the *Popes* opinion, no man is bound to obey them, as neyther to follow his opinion, whereon they are grounded: but hee may as lawfully contradict them, as he may contradict his opinion, although the *Pope* thinke it to bee neuer so *probable*: And that vpon this ground, cause, and reason, it was lawfull for Catholickes to contradict the *declaratiue Breue* of *Pope Nicholas* the First, <sup>a</sup> wherein he declared, that *Baptisme* ministred in the name of *Christ* without expressing the three persons of the *B. Trinitie* was valid and true *Baptisme*: And the *declaratiue Breue* of  
Pope

a De consecr.  
dist. 4. can. A  
quodam Iu-  
deo.

Pope *Celestine* the Third, <sup>b</sup> wherein he declared, and, as *Alphonsus de Castro* saith, he defined, that *Marriage is so dissolved by heresie*, that the partie whose Consort falleth into heresie, may lawfully marry an other, which Doctrine is now condemned in the Council of Trent : <sup>c</sup> And the declarative Breues or Letters of Pope *Iohn* the 22. who publicquely taught and declared, that the soules of the Blessed should not see God, before the resurrection, <sup>d</sup> wherein hee was contradicted by the Doctors of *Paris*, and caused to recall his Doctrine : And the declarative Breue of Pope *Boniface* the eight, wherein he declared, that *Philip* the French King was subiect to him, in spirituall and temporalls, wherein he was contradicted by the French Nation, and taxed of wonderfull impudency. \*

<sup>b</sup> Which was once exrant in the Canon Law, in cap. *Laudabilem de controuers. coniugot.*

<sup>c</sup> *Castro lib. 1. de heres. cap. 4.*

<sup>c</sup> *Sec. 24. de Reform. can. 5.*

<sup>d</sup> See *Castro lib. 3. contra heres. verbo Beatitudo be- ref. 6. Bellar. lib. 4. de Rom.*

*Pont. t. 14. Hadrianus Papa in quest. de Confirm.*

*circa finem,* and other Histories.

\* See *Nicolaus Vignierius*

5. Fourthly, he sheweth, that the Popes declarative Breues forbidding Catholics to take the oath, for that it containeth many things which are manifestly against faith and salvation, are neyther definitime, for that they are not directed to the whole Church, nor doe con-

*ad annum* 1300.

contayne any of those rules , which, according to Cardinal *Bellarmino* and other *Diuines*, is required to a true and infallible definition of faith (for onely of this kind of definition now wee speake ) and that although they were *definitive*, yet considering that it is a probable *Doctrine*, that the *Pope* hath no authoritie infallibly to define without a generall Councell , no Catholicke is bound to giue more credit to his definition , then to follow his probable *Doctrine* and opinion : neither are they grounded vpon any former definition of *Pope* or *Councell*, and which all Catholickes are bound to admit for a true definition, as *Widdrington* hath proued at large by answering all the Decrees and Canons of *Popes* or *Councells* ; which *Lessius* (masked vnder the name of *D. Singleton*) hath scraped together. But they are grounded onely vpon the *opinitive* iudgement of the *Pope*, and some other *Diuines* of *Rome* , who then were of opinion , that many things are contayned in the Oath manifestly repug-



repugnant to faith and saluation, for one of these *two* grounds and reasons, or rather for both: The *first*, that the *Popes* power to *excommunicate*, and consequently his spirituall authoritie is denyed in the Oath: and that the *Breues* were chiefly grounded vpon this reason, *Widdrington* conuinceth *Widdrington 2.* by the *Popes* answer to *Fa: Parsons*; gainst *Fitzb.* by the consult and resolution of the *Diuines of Rome*; by *Cardinall Bellarmine* in *Part 3. chap. 17.* *his Answer to the Apologie,* *pag. 9.* (who doubtlesse would not in this poynt dissent from the opinion and resolution of the *Pope*, and the other *Diuines of Rome*, nor they from him) affirming that in the Oath is *plainely or manifestly denyed to the Pope, power to excommunicate even hereticall Kings*, for which he is deseruedly taxed by his *Maiestie* of manifest falsehood: and *lastly*, by those wordes of the *Breues*, that in the Oath are contained many things, *quæ aperte aduersantur fidei*, which are plainely or expressely repugnant to faith: But none of our learned Aduersaries dare affirme, that the denyall of the *Popes* power to *depose Priaces*, is plainely and expressely repugnant

See Suarez lib.  
6. cap. 1. de Iu-  
ramento fide-  
litatis.

repugnant to faith, but at the most,  
*tacite*, and *teſte*, *conertly*, and *cloſely*,  
and that by many farre fetcht (and ill  
deduced) inferences and ſuppoſiti-  
ons: and that therefore they ſuppo-  
ſed with Cardinall *Bellarmino*, that the  
Popes power to *excommunicate*, is de-  
nyed in the Oath: The ſecond ground  
or reaſon is, that the *Popes* power to  
*depoſe* Princes, to diſpoſe of their tem-  
poralls, and to abſolue ſubiects from  
their temporall allegiance, which  
doubtleſſe is denied in the Oath, is a  
cleare poynt of faith, and not in con-  
trouerſie among Catholiques, both  
which grounds and reaſons are mani-  
feſtly falſe, as hath beene ſufficiently  
conuincd by the former Diſcourſe:  
and conſequently, that it is no more  
vnlawful not to obey the *Popes declarative*  
*Breues* forbidding Catholickes  
to take the Oath, they being groun-  
ded vpon the aforeſaid reaſons & ſup-  
poſitions, which are manifeſtly falſe,  
then it is vnlawfull not to approue  
the ſaid falſe reaſons and ſuppoſiti-  
ons, for that a *declarative precept* hath  
no more force to bind, according to  
the

the Doctrine of *Snarez*, (which is also conforme to manifest reason) then hath the reason & supposition whereon it is grounded.

6. *Lastly*, he sheweth out of the doctrine of *Dominicus Sotus*, & other divines, that if a Prelate, or any other Superiour command a thing, which the Subiect doubteth to be vniust, and the thing which is commanded be in prejudice of a third person, who is in possession of his goods and good name, it is no irreuerence, or disobedience in the Subiect not to obey, propounding to his Superiour with all humilitie and reuerence the reasons of his doubt. Seeing therefore that *Widdrington* hath in the name of English Catholickes propounded to his Holinesse the reasons which moued them to doubt, that his *declarative Breues* were not iust, as beeing greatly preiudiciall to his *Mtiefties* temporall Soueraigntie, and namely for that they were grounded vpon the ~~two~~ afore said false reasons and suppositions, and that they haue not had as yet any satisfaction concerning those  
their

*Sotus de de-  
legendo secreto-  
to memb. 2. nu.  
2. See Widd-  
drington in the  
Discouery of  
the 15. colum  
of D. Schulke.*

their doubts, it is not onely manifest, that they cannot be iustly taxed of any disobedience or irreuerence to his *Holinesse*, for not obeying the aforesaid *Breues*, but also it is an euident signe, that his *Holinesse* could not satisfie their doubts, and that now hee plainly seeth, that he and his Diuines were mistaken, and that his *declaratiue Breues* were grounded vpon those false reasons and suppositions which he could not iustifie or make good: Otherwise he would without all doubt, in regard of his Fatherly care, and Pastorall charge, haue sought to haue giuen them all possible satisfaction in this poynt, which so neerely concerneth not onely their soules health, and their temporall states and libertie, but which also is so iniurious to his *Maiestie*, and so scandalous to Catholicke Religion, giuing occasion to all *Protestant* Princes and subiects to perswade themselves, that the profession of the Catholicke *Roman Religion* cannot stand with true and constant loyaltie, but that it is a Nurcery of vniust Inuasions, Rebellions, and Powder-Treasons. 7. Where-



7. Wherefore, (for the last farewell) I beseech you again and againe (*deare Countreymen*) not to forget those two most certaine Principles, whereon is chiefly grounded the Doctrine for the iustifying of the Oath, and for the securing of Princes from all traitorous Conspiracies, practises, and attempts, vnder the colour and pretence of the *Popes* authoritie to depose them; to wit, that it is a great controuerfie among learned Catholickes, and therefore not certayne, but truly probable, that the *Pope* hath no authoritie to depriue Soueraigne Princes, and that no power or title, which is not most certayn, but in controuerfie, can bee a lawfull ground, whereby immediately any man may be punished, or depriued of that right, dominion, or any other thing which hee really and *bona fide* possesseth; both which Principles, are, as you haue scene, so cleare and manifest, that no learned man can from his hart deny them, howsoever some one or other for some temporall respect, end, or motiue, may speake or write con-

L trary

trary to his mind and knowledge.

8. But, as *Widdrington* towards the end of his Answer to *Fitzherberts* Preface well obserueth out of *Molina*, and *Lessius*, both famous Iesuites, there is a great difference betwixt the *possessing* of temporall and corporall goods, as Lands, Houses, Crownes, Kingdomes, and the like, and the *possessing* of authoritie, Iurisdiction, rights, and claymes, which one may pretend to haue to such temporall goods. For that *possession* properly is onely of temporall goods; and such goods may properly be *possessed*, although the party, who hath true right to those goods, contradicteth neuer so much; but rights, and claymes are not *properly possessed*, but they are onely said to be, *as it were, in some sort, or improperly possessed*: and besides, to the *possessing* of power, authoritie, iurisdiction, right, or claime to any temporall thing, in such manner as right, iurisdiction, and claime may be sayd to be possessed, it is necessarie, that the right or claime, which is pretended, be without contradiction and resistance

istence of the aduerse part. Otherwise if one should challenge any right or authoritie be it good or bad, true or false, and should exercise that pretended right or authoritie, the aduerse part contradicting, he might nevertheless be said to bee in possession of that right or authoritie, which is manifestly false and absurd. For so if a Lay-man should pretend to haue true spirituall iurisdiction ouer Clergie men, as power to excommunicate, and should exercise that pretended iurisdiction, hee might be said to be in possession of true spirituall iurisdiction, although the Clergie should neuer so much contradict and except against the same. And for this reason, albeit some *Popes* haue for as many hundreds of yeares, as haue beene since the time of Pope *Gregorie* the Seuenth, challenged a right and authoritie to depriue *Kings* of their regall Soueraigntie, yet they cannot be said to haue beene for one day or one houre in possession of that their pretended right and authoritie, because Christian Kings and Subiects,

from the time of *Henrie* the Fourth Emperour, who was the first Emperour that was depriued by Pope *Gregorie* the Seuenth, vntill the time of *Henrie* the Fourth most Christian King, who was the last King who was depriued by Pope *Sixtus* the Fift, haue euer resisted and contradicted this pretended authoritie and clayme of *Popes* to depriue them of their temporalls. And although perchance there should haue beene, or hereafter shall be some or other Christian King, who for some private or publique respect and interest, hath not, or shall not resist the *Popes* sentence of deprivation denounced or to bee denounced against him, but rather yeeld thereunto, yet this cannot preiudice his successors, or be a sufficiēt ground, that the *Pope* may be truely said to be in possession of his pretended right, authority, and clayme to depriue *Kings* in general, but at the most to depriue that *King* in particular, who did not resist or gainsay, but rather acknowledged the right and authority, which the *Pope* claimed to depriue him.

*Finally,*



9. *Finally*, although it may bee objected, that diuerſe *Popes* haue practized the *depoſing* of *Princes*, and many learned *Diuines* haue approued the ſaid *practice*, therefore the *practice* being approued by many learned and ſkilfull men in the *Arte* which they profeſſe is truly probable, euen according to *Widaringtons* grounds, which he taketh from *Vasquez*: Yet this is eaſily answered. For thoſe *Popes* and learned men in approuing that *practice* for lawfull, did either thinke aſſuredly, that the doctrine for the *Popes* power to depriue *Princes* was moſt certaine, vnqueſtionable, and out of all controuerſie, and that the contrarie doctrine was not at that time, nor could lawfully bee approued by any learned Catholike, which howſocuer thoſe Doctours might at that time thinke or be perſwaded (wherein neuertheleſſe they were greatly deceiued, becauſe euen from the firſt broaching of this doctrine and practice by Pope *Gregorie* the VII. A thing unheard of before that Age, ſaith *Onu-* *Onuphr. lib. 4.*  
*phrius*, it hath euer bene a great con- *de varia creat.*  
*tro-* *Rom. Pont.*

*Azor.* cited a-  
boue in the  
*Sixt* Obseruat.

*trouersie*, saith *Azor* the Iesuite, be-  
*tweene Popes and Emperours*) yet now  
it is so cleere and manifest, that there  
is at this time a great controuersie a-  
mong learned Catholikes concerning  
this authoritie of the *Pope*. as that all  
the World both by the publike wri-  
tings and proceedings in this controu-  
uersie can giue sufficient testimonie of  
the same: Or else those *Popes* and *Do-*  
*ctours*, did not consider and examine  
the difference betwixt *speculation* and  
*practice*, but without any further ex-  
amination, thought euery doctrine  
that was probable and approoued by  
learned men in *speculation*, and might  
*speculatively* and abstracting from  
*practice* bee disputed in Schooles *pro*  
and *contra*, might also bee *practised*,  
and put in execution, not considering  
whether it tendeth to the preiudice  
of a third person, and to the disposses-  
sing him of that which hee actually  
and *bona fide* possesseth, or no, where-  
as it is most certaine and out of all  
controuersie, (as hath beene shewed  
aboue) that it is open iniustice to de-  
priue vpon a probable or controuer-  
sed

sed power or title any man of that which hee hath really in his possession.

10. Now it is euident, according to *Vasquez* doctrine which *Widdrington* followeth, and which stands with manifest reason; that the approbation, and authoritte of ancient or moderne Doctours is not sufficient to make their doctrine probable to other learned men, if either their doctrine bee grounded vpon some principle, which to those learned men is manifestly false, or it may bee confuted by some reason, which to those learned men seemeth inuincible and not to be answered, and which reason those Doctours haue not seene, considered, and examined; *Observandum tamen maxime est, &c.* But it is greatly to bee ob-

served, saith *Vasquez*, that it may sometimes fall out, that the ancient Writers, whose opinions are now in controuersie, did not consider some Reason, Law, or Decree, which bath great force against their opinion: but contrariwise that the later Doctors being conuincsed with that Reason, Law, or Decree, doe

*Vasquez* 1.2. disp. 62. cap. 4. nu. 18. cited by *Widder*. in disp. Theolog c. 10. sec. 2. nu. 16.

now defend the contrarie opinion. If therefore a learned man seeing that Law or Decree, or considering that new reason doth defend the opinion of the later Writers against the ancient, hee cannot follow in practice the opinion of the ancient Writers, against his owne opinion, or which is all one by reason of their authoritie and approbation, because the opinion of the ancient, who haue not seene, or considered that Decree, or Reason, ought not now to be accounted probable. And therefore Widdrington defining probable to bee that, which is approved by learned and skilfull men, for the better vnderstanding and explication of the last words, he added, who haue seene and examined the difficultie, for if they haue not seene and considered that particular difficultie and controuersie, they cannot bee accounted learned and skilfull therein.

II. Now the particular difficulty, and controuersie concerning this point, and which those *Popes* and *Doctors* mentioned in the obiection did not consider and examine, is, whether, supposing it to bee now a con-



controuerſie, and to be approoued by learned Catholikes, that the *Pope* hath no authoritie to depriue *Princes*, it be not open iniuſtice in the *Pope* to depriue *Princes* of their Kingdomes and Dominions, which they really and *bona fide* doe poſſeſſe. And therefore vnleſſe it can bee conuinced, that it is not at this day a controuerſie among learned Catholikes, whether the *Pope* hath authoritie to depriue, which is as hard a matter, as to proue, that the Sunne doth not giue light at noone daies, or elſe that it is lawfull vpon a doubtfull, vncertaine, controuerſed & probable power or title to thruſt by violence any man out of that, which hee actually and *bona fide* poſſeſſeth, the practice of depoſing *Princes*, vnder pretence of the probability of the *Popes* power to depriue *Princes*, cannot bee accounted probable to any learned man, ſo much as to excuſe him in conſcience, and in the ſight of God from formall ſinne and iniuſtice.

12. But to conclude with this *Obſeruatiō*, which I wiſh you (*Deare Countreymen*) diligently to conſider ;  
That

That howsoever any Subject concurring in *practice* with the *Pope* to the deposing of his lawfull Soueraigne *Prince*, may vnder pretence of some probabilitie of the doctrine to depose *Princes* by the *Popes* authoritie, perswade himselfe, that hee is excused from sinne and formall Treason in his conscience, and before the sight of God, (wherewith *Princes* not knowing the secrets of mens hearts, but leaving them to the iudgement of God, doe not intermeddle in their Tribunals) yet considering these *two* things: The *first*, that it is most certayne and out of all controuersie, that hee is excused in conscience, and before the sight of God from all sinne and offence in defending his lawfull *Prince*, who is in possession, and in resisting such inuasions and depositions which are grounded only vpon a probable power and title, whereas hee cannot with any reason assuredly perswade himselfe, that hee is secure in conscience by taking part with the *Pope* against his *Prince*, who is in possession of his Crowne: The *Second*, that it is also

also most certaine, and out of all controuersie, that hee may iustly in taking the *Popes* part against his *Prince* being inuaded and depriued vnder pretence of a probable power and title (although in very deed the power and title were neuer so probable) bee accused and condemned both in the Secular and also Ecclesiasticall Court of the *Prince* inuaded of open and manifest Treason, and as a manifest Traitor be deseruedly put to death: for that it is *open iniustice in the Pope* (saith the *Authour* of the *Prelate* and the *Prince*) to deprive a *Prince* of his *Kingdome* to which hee hath probable right, and withall possession, and consequently it is open Treason in the Subiect to take part with the *Pope* in that case against his rightfull *Prince*. These two things, I say, being duly considered, I thinke those Subiects to bee starke mad and senselesse, and to haue neither the feare of God nor Man before their eyes, that can be drawne to approve such damnable practices, and consequently neither the doctrine, grounds, and principles thereof: or  
to

to concurre with the *Pope*, to the de-  
 posing, and dispossessing of their So-  
 ueraigne *Prince*, vnder pretence of a  
 power, title, and clayme, which euen  
 in speculation, and abstracting from  
 practice, can bee at the most but pro-  
 bable. And so recommending to your  
 prudent considerations this my serious  
 and sincere aduertisement I make an  
 end, and request you euer to haue in  
 minde, that which I said in the be-  
 ginning and cannot too often repeate:

1. Pet. 2.  
 Mat. 22:

*Feare God, Honour the King : Ren-  
 der to God and Caesar (and con-  
 sequently to Popes and Prin-  
 ces) that which is  
 their due.*

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A Copie of the *Oath* of Allegiance, or the *First Article*, which the Lower House of Parliament (wherein of 200. *Depnties* for the *Third Estates* were but fixe *Protestants*) propounded to the *French King*, to haue established for a *fundamentall Law*, in the generall *Assembly* of the *three Estates*, holden at *Paris* in the yeere 1614.

*The First Article of the Third Estates*, taken out of a Booke intituled, *Apologie de l'Article premier du Tiers Estat.* pag. 4.

THAT, to stay the course of that pernicious doctrine which some years since hath been broached, against Kings and Soueraigne powers established by God, by seditious spirits, who attend only to disturbe and subuert the same, Supplication may bee made to the King, that hee will cause to bee decreed in the *Assemblée* of these Estates for a *fundamentall Law* of the Realme, That, for as much as hee is acknowledged Soueraigne in his Estate, nor  
houl-

*The Oath of France.*

*houlding his Crowne but from God alone. There is not any power on Earth whatsoener it be. Spirituall or Temporall, which hath any right ouer his Kingdome to deprive the sacred persons of our Kings, nor to dispencc or absolue for any cause or pretence whatsoener, their Subiects from the Allegiance and obedience which they owe to them: That all the Subiects of what qualitic or condition soener they be, shall hould this Law for holy and true, as agreeable to the Word of God, without distinction, equiuocation, or limitation whatsoener: Which shall be sworne and signed by all the Deputies of the Estates, and from henceforth by all that haue Benefices or offices in the Kingdome, before they enter into possession of their Benefices, and bee admitted into their Offices: That all Masters, Regents, Doctors, and Preachers shall bee bound to teach and publish, that the contrarie opinion, to wit, that it is lawfull to kill and depose our Kings, to rise up and rebell against them, to shake of the yoke of their obedience, for any occasion whatsoener, is impious, detestable, and contrarie*

trarie to truth, and against the establishment of the State of France, which dependeth immediatly on none but God: That all Bookes which doe teach that false and pernerse opinion, shall be held for seditious and to bee censured: All Strangers that shall write and publish it, for sworne Enemies of the Crowne: All his Maiesties Subiects, that shall adhere unto it, of what qualitie or condition soeuer they be, for Rebels, infringers of the fundamentall Lawes of the Kingdome, and guiltie of Treason in the highest degree. And if there be found any booke, or Discourse written by any Stranger Ecclesiastike, or of any other qualitie, that containeth any proposition contrarie to the said Law directly or indirectly, the Ecclesiastikes of the same Order established in France shall be bound to answer them, to impugn and contradict them incessantly, without respect, ambiguitie, or equivocation, under paine of being punished with the same punishments as aboue said, as abettors of the enemies of this State.

This

*Card. Bell. his Booke condemned.*

This *Article* is in effect and substance all one with our *new Oath of Allegiance*, and the lawfulness thereof is manifest by the former Discourse; and how greatly *Card. Peron* was mistaken in impugning the said *Article*, *Widdrington* sheweth both in his *Answer to Fitz-herbert* part. 3. chap. 11. num. 15. & seq. and in his *Discussion of the decree of the Lateran Councell against Lessius* part. 2. sec. 9. and part. 3. sec. 9.

A Copie of the *Arrest*, or Decree of the Parliament of *Paris*, wherein *Card. Bellarmine* his booke against *William Barclay* is condemned.

Taken out of the *Records* of the Court of Parliament, the 26. of November 1610.

THIS present day the Kings Solicitors, (Lewis Seruin the Kings Attorney making the Declaration, and Lewis Duret the Kings Advocate subscribing) advertised the Court, that it was related to them, that some  
few



*few daies since there hath beene divulged in this city of Paris a new booke, entitled Tractatus de potestate Summi Pontificis in temporalibus aduersus Gulielmum Barclaium, Auctore Roberto S. R. E. Cardinale Bellarmino. Romæ per Bartholomæum Zannetti, printed this present yeere; out of which booke diuers persons, some with a good intent, and others with an euill, haue divulged many things, which they haue collected from thence. And because this Booke doth containe propositions, which are preiudiciall to the Kings power and authoritie, and to the State of France, of whom the Author speaketh in the same manner as of other Kings, Princes, and Common-wealths, they haue through their care gotten a Copie thereof, which they hauing exactly read and examined, thought it their duties to aduertise the Parliament of those things, which are against the Powers established by God, and especially against this Kingdome. Wherefore they haue obserued, that Cardinall Bellarmine doth in this new Treatise not only teach those propositions, which hee affirmed*

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in

*in his former books, as in that booke which is intituled, De Romani Pontificis Hierarchia written in the time of Pope Sixtus the V. and dedicated to the said Pope, which he hath deuised into five books, in the last whereof hee maintaineth, that the Pope hath temporall power indirectly; But they also haue obserued, that to this erroneous assertion others no lesse false, and tending further are added in the places by them cited, which the Parliament, if it be so pleased, may behould. And first the very Title is to be obserued, wherein he giueth to the Pope a power in temporals. Then hee bringeth diuerse authorities from the writings of Italians, French-men, Spaniards, Germans, English & Scots, beginning with Pope Gregorie the VII. who lined in the yeere of our Lord 1073. &c.*

*Wherefore to the end that fraud and deceit may for the safegard of true French men be preuented, the aforesaid Attorney generall considering, that in regard of Conscience, and the office which hee beareth in being the Kings Attorney, he is bound sincerely to discharge his duty, produceth Cardinall Bel-*

Bellarmines booke, which was written, when our King Henry the Great was living (in whose raigne none durst adventure to diuulge the same) but published forthwith as soone as he was dead, wherein hee hath noted diuers places, which the Parliament may peruse, especially pag. 37. 38. 57. 58. and 76. 77. to which may be added 160. 115. 116. And moreover, he exhibiteth in written hand the requests, which the Kings Attorneys doe in the Kings name demand; to wit, that by Decree of the Parliament it be enacted, That none of what qualitie or condition soeuer, shall receiue, haue, keepe, print or vtter this booke of Bellarmine, vnder paine of Treason ordained against those that shal transgresse the same, &c.

*The matter being examined, The great Chamber, Criminall, and of the Edit<sup>z</sup> being assembled.*

**T**He Court hath decreed and doth decree, that no person of what qualitie or condition soeuer, vnder payne of Treason ordained against those that  
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## Card. Bell. his booke condemned.

transgresse the same, doe receiue, keepe, communicate, print, utter, or sell the said Booke, which containeth that false and detestable proposition, tending to the subversion of supreme Powers established and ordained by God, inciting Subiects to rebellion, and derogating from the authoritie of Princes, animating to attempt against their lines and Crownes, and finally to disturbe the publike peace and quietnesse.

Those that haue Copies of the saide Booke, or know any that haue, are commanded forthwith to make it knowne to their Iudges, that, upon the demand of the Kings Attorneys, Inquisition bee made against the Crime, and those that be guiltie be punished according y. It forbiddeth vnder the same punishment Doctors, Professours, and others, to treat, dispute, write, teach directly or indirectly in Schooles, Colledges, or other places, the said proposition. The said Court doth ordayne, that this Decree bee sent, read, published, recorded, and obserued according to the aforesaid manner and forme in all the Benches subiect to the Iurisdiction of this Court. The Substitutes to the Kings



Kings Attorney are commanded to cause forthwith this Decree to be put in execution, and to aduertise the Court within a moneth of their diligence. Made in Parliament upon Friday 26. Nouemb. 1610.

Signed VOISIN.

The decree being made, the Kings Attorneys were sent for, to whom the pleasure of the Court was signified, and according to the Decree the said Booke of Bellarmine was deliuered to their hands.

A Copie of the Arrest or Decree of the Parliament of Paris, wherein Suarez his book, written in answer to our Kings Maiesties Premunition, &c. is condemned.

A Decree of the Court of Parliament made the 26. and executed the 27. of Iune 1614.

Against a Booke printed at Colleen this present yeare, which is entituled, Francisci Suarez Granatensis Societatis

transgresse the same, doe receiue, keepe,  
communicate, print, utter, or sell the said  
Booke, which containeth that false and  
detestable proposition, tending to the sub-  
uersion of supreme Powers established and

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dayne, that this Decree bee sent, read,  
published, recorded, and obserued accor-  
ding to the aforesaid manner and forme in  
all the Benches subiect to the Iurisdiction  
of this Court. The Substitutes to the  
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Kings Attorney are commanded to cause  
forthwith this Decree to be put in execu-  
tion, and to aduertise the Court within a  
moneth of their diligence. Made in  
Council upon Friday 26. Nouemb.


ULAR  
ATION

June 1614.

Against a Booke printed at Colen  
this present yeare, which is entituled,  
Francisci Suarez Granatensis Socie-  
tatis

M 3

tatis Iesu doctoris Theologi Defensio  
fidei Catholicæ & Apostolicæ aduer-  
sus Anglicanæ sectæ errores, contay-  
ning many maximes and propositions con-  
trarie to the Soueraigne powers of Kings  
ordayned and established by God, the  
safetie of their persons, the peace and qui-  
etnesse of the ir States.

The Place  where the Kings armes  
of France and Nauarre are set

*At Paris,*

By F. Morel and P. Mettayer the Kings  
ordinarie Printers and Stationers

1614. With his Maiesties Primledge.

Taken out of the Records of the Par-  
ment.

The Court of the great Chamber, Cri-  
minall, and of the Edict assembled, ha-  
ving seene the Booke printed at Colen  
this present yeare, entituled, Francisci  
Suarez Granatensis Societatis Iesu  
Doctoris Theologi Defensio fidei Ca-  
tholicæ & Apostolicæ aduersus An-  
glicanæ sectæ errores, contayning in the  
third Booke Chap. 23. p. 376. 79, 80,  
82. Chap. 29. p. 410. 11, 12, 13, 14,  
15, 16, 17, 18, 19, 20. Chap. 6. pag.  
834.



834. Chap. 8. pag. 844. and in other places many propositions contrarie to the Soueraigne powers of Kings ordained and established by God, the peace and quietnesse of their States, and that it is lawfull for their subiects and strangers to attempt against their persons : Conclusions of the Kings Attorney generall.

*All which beeing considered;*

*The said Court hath declared and doth declare the propositions and maxims contayned in the saide Booke to bee scandalous and seditious, tending to the subuersion of States, and to induce the subiects of Kings and soueraign Princes, and others, to attempt against their sacred persons: and the discourses, making mention of King Glodoucus and Philip the Faire, to be false and slanderous: Hath ordayned and doth ordayne the said Booke of Suarez to bee burned in the Court of the Palace by the Executioner of high Iustice. Hath made and doth make iniunctions and inhibitions to Stationers and Printers, not to print, sell, or utter it, and to all persons of what qua-*

litie or condition soeuer, not to haue, copie out, keepe, teach in Schooles nor in other places, nor to dispute the said maxims and propositions. It doth ordayne, that, according to the Arrest made the 8. of Iune 1610. that the Decree of the Theologicall Facultie made the 4. of Iune the same yeare of renewing the doctrinall Censure of the said Facultie made in the yeare 1408. confirmed by the Councell of Constance, together with this present Arrest or Decree, as also those of the yeare 1578, and 95. bee read euery yeare the 4. day of Iune as well in the said Facultie, as in the Colledge of the Priests and Schollers of the Colledge of Claremont, and of the foure Mendicants. And that at the instance of the Kings Attorney generall informations be taken of the transgressions against the said Arrests: and Inhibitions bee made against the copying out, hauing, and keeping the like bookes. Made in Parliament the 26. day of Iune 1614.

This Colledge  
of Claremont, is  
the Iesuites  
Colledge.

Signed

VOISIN.

Moreouer, it is decreed, that the Fathers

thers, Ignace Armand Rectour in this Citie, Cotton, Fronton, and Sirmund, shall be sent for the first day of the Court, and it shall be shewed them, that contrarie to their declaration, and the Decree of their Generall, made in the yeare 1610. the Booke of Suarez hath beene printed, and brought into this Citie against the authoritie of the King, the safetie of his Crowne and State: And it shall be enioyned them to cause their Generall to renew the said Decree, and that it be published; and that they bring in the A& within fixe moneths; And that they provide, that no bookes, containing such damnable and pernicious propositions, bee hereafter made or published by any of their Societie: And that it bee enioyned them, to perswade the people by their Preachers, the Doctrine contrarie to the said propositions: Otherwise the Court wil proceed against the transgressours, as against Traytors, and perturbbers of the publique peace.


The iaforesaide Arrest, or Decree, and what hath beene decreed, was pronounced in the presence of the Fathers, Ignace Armand, Charles de

*Another Decree of the*

*de la Tour, who came in place of Father Cotton absent, Fronton du Duc, and James Sirmund: And the Arrest was executed before the great Staires of the Pallace, the 27. of June, 1614.*

**A Copie of another Arrest or Decree of the Parliament of Paris,** wherein the former doctrine of practizing the deposition of Soueraigne Princes is condemned, and the former Decrees, made against the Bookes of Card. Bellarmine, and Suarez, are againe confirmed.

*An Arrest or Decree of the Court of Parliament touching the Kings Soueraigntie in Temporals, and against the pernicious doctrine to attempt upon the sacred persons of Kings.*

The place  of the Kings Armes of France and Navarre.

At Paris.

By F. Morel, P. Mettayer the Kings Ordinarie Printers and Stationers.

1615.

Taken



Taken out of the *Records of the*  
Parliament.

**V**Hereas the Kings Attourney  
Generall hath complayned to  
the Court, all the Chambers thereof  
being assembled, that albeit by many  
Arrelts or Decrees, heretofore made  
with great and mature deliberation, the  
Court hath confirmed the *Maximes*,  
which have at all times beene held in  
France, and are naturally engrafted to  
the Crowne, That the King doth not  
acknowledge any Superiour in Tem-  
porals of his Kingdome but God a-  
lone, *And that*, no power or autho-  
ritie can rightfully release his Subiects  
from the Oath of Allegiance and O-  
bedience which they owe to Him,  
nor suspend, depriue, or depose him  
from his said Kingdome: *and much*  
*lesse*, to attempt, or to cause to at-  
tempt either by publike or priuate  
authoritie against the sacred persons  
of Kings: *Neuerthelesse* it hath beene  
aduertized, that by *Discourses*, as well  
in priuate as in publike, many persons,  
doe presume to call in question the said  
*Max-*

*Another Decree of the*

*Maximes*, to dispute of them, and to hold them for problematike, from whence may arise very many inconveniences, which of necessitie must be provided against, and that speedily: Hee (the said Attourney) requesteth, that seeing the Court is assembled, all businesses set aside, it will bee pleased to ordaine, that the said Decrees shall be renewed, and againe published in all the Benches subiect to the Iurisdiction of this Court; to the end that the mindes of all the Kings Subiects, of what quality or condition so ever, may be kept firme and assured concerning the said *Maximes*, and Rules, and for the safetie of the Kings life, the publike peace and quietnesse: With Inhibitions not to transgresse the same under the penalties set downe by the said Arrests. And that it be enioyned to all their Substitutes to cause the publication thereof to be made, and to certifie the Court within a moneth, under paine to be deprived of their Offices.

The Court, all the Chambers being assembled, hath ordayned and doth ordayne, that the Arrests of the 2. Decemb.

cemb. 1561. the 29. Decemb. 1594. the 7. of Ianuarie, and the 19. of Iuly 1595. the 27. of May, the 8. of Iune, and the 26. of Nouemb. 1610. and the 26. of Iune 1614. shall bee kept, and obserued according to their forme and tenour. Forbidding all persons, of what qualitie or condition soener, to transgresse the same. And to this end they shall bee published in the Bayliwikes, Stewardships, and other Benches subiect to this Court by the care of the Substitutes to the Attourney Generall, who shall certifie the Court with in a moneth vnder paine to answeere it at their perill. Made in Parliament the second of Ianuarie 1615.

Signed

VOISIN.

The lawfulnessse of all these *Arrests* or *Decrees* is manifest, partly by that which hath beene said in this *Treatise*, in the *Fourth* and *Fift* Obseruation, and in the *Second* *Third*, and *Fift* Chapters, and more particularly by *Widdrington* in his *Discussion* of the *Decree* of the *Lateran* Councell against

Ioh. Paris. de  
 potest. Reg. &  
 Pap. c. 21. ad 37.  
 Victoria Relect.  
 1. de potest. Ec-  
 cles. sec. 7. §. o-  
 ctava propo-  
 sitio.  
 Sotus in 4. dist.  
 29. q. 1. ar. 4.  
 Bannes 2. 2. q.  
 11. ar. 4. q. 1. in  
 fine.  
 Couert. cap. 35.  
 pract. quest.

gainst *Lessius*, part. 2. sect. 9. for that  
 Christian Princes by vertue of their  
 temporall power haue good & full au-  
 thoritie (according to the doctrine of  
*Ioannes Parisiensis*, *Victoria*, *Sotus*, *Bā-  
 nes*, *Couerrunias*, & which is grounded  
 in manifest reason) to forbid the main-  
 taining, teaching, and publishing, not  
 only of hereticall erroneous, and false  
 propositions, but also of all vneces-  
 sarie doctrines and positions, be they  
 neuer so probable, as the teaching  
 and publishing of the same is dange-  
 rous to the Crownes and liues of  
 temporall Princes, and tendeth to the  
 subuersion of the State, and to the  
 disturbance of the publike peace in  
 the Ciuill Common-wealth, whereof  
 the Prince hath charge, and to punish  
 with temporall punishments the tea-  
 chers, maintayners, nnd publishers,  
 of such dangerous and seditious do-  
 ctrines.

*Hæc omnia Ecclesia Catholica  
 iudicio subiecta sunt.*





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Page	Line	Faults	corrected.
8.	13.	would	would not.
35.	4.	at first	at the first.
71.	16.	Authors	Authour.
87.	27.	or unlawfull	or lawfully.
133.	20.	bonnd	bernd.
144.	16.	bonnd	bound.
146.	10.	dispose	dispoſe.
187.	1.	and to be	and be.
191.	4.	Deputles	Deputies.

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